

ZONING ORDINANCE

CITY OF GAFFNEY, SOUTH CAROLINA

AN ORDINANCE OF THE CITY OF GAFFNEY, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY OF DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR A PLANNING COMMISSION; PROVIDING FOR A BOARD OF ZONING APPEALS; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

**ARTICLE I
AUTHORITY AND ENACTMENT CLAUSE**

Pursuant to authority conferred by Title 6, Chapter 29, South Carolina Code of Laws Ann. (1976) and for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; to provide for adequate light, air and open space; to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets; to facilitate the creation of a convenient, attractive, and harmonious community; to protect and preserve scenic, historic, or ecologically sensitive areas; to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes; to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services; to secure safety from fire, flood, and other dangers; and to further the public welfare in any other regard specified by the City Council of the City of Gaffney, in accordance with the Comprehensive Plan, the City Council of the City of Gaffney does ordain and adopt the within Ordinance.

Section 100. Jurisdiction.

The regulations set forth in this ordinance shall be applicable within the corporate limits of the City of Gaffney, South Carolina, as now or hereafter established.

ARTICLE II PLANNING COMMISSION

Section 200. Establishment of Planning Commission.

There is hereby established the Planning Commission for the City of Gaffney. It is the function and duty of the planning commission to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs shall be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its jurisdiction.

200.1 **Functions, powers, and duties of the planning commission.** In the discharge of its responsibilities, the planning commission has the power and duty to:

- (a) prepare and revise periodically plans and programs for the development and redevelopment of the City of Gaffney as provided in this Ordinance; and
- (b) prepare and recommend for adoption to the City Council as a means for implementing the plans and programs in its area:
 - (1) zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;
 - (2) regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this Ordinance;
 - (3) an official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or land use changes within the rights-of-way, building sites, or open spaces within the City of Gaffney;

- (4) a landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
- (5) a capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the City of Gaffney for implementation prior to preparation of their capital budget; and
- (6) policies or procedures to facilitate implementation of planning elements.

200.2 Membership; terms of office; compensation; qualifications.

- (a) The Planning Commission shall consist of five (5) members, who shall be citizens of the City of Gaffney and shall be appointed by the Gaffney City Council for overlapping terms of three (3) years. Initial appointment shall be as follows: One (1) member for a term of three (3) years; two (2) members for a term of two (2) years; and two (2) members for a term of one (1) year. A majority of members shall constitute a quorum. Any vacancy on the Commission shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Commission. City Council may remove any member of the Commission for cause.
- (b) No member of a planning commission may hold an elected public office in the City of Gaffney.
- (c) In the appointment of planning commission members, City Council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the jurisdiction.

200.3 Organization of commission; meetings; procedural rules; records; purchases.

- (a) The planning commission shall organize itself electing one of its members as chairman and one as vice-chairman whose terms shall must be for one year. It shall appoint a secretary who may be an officer or an employee of the City of Gaffney or of the planning commission. The planning commission shall meet at the call of the chairman and at such times as the chairman or commission may determine.
- (b) The commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record shall be a public record. The planning commission may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated by City Council.

200.4 Referral of matters to commission; reports.

City Council may provide for the reference of any matters or class of matters to

the local planning commission, with the provision that final action on it may not be taken until the planning commission has submitted a report on it or has had a reasonable period of time, as determined by City Council to submit a report.

200.5 Funding of commission; expenditures; contracts.

The planning commission, with approval of City Council, may cooperate with, contract with, or accept funds from federal government agencies, state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or eleemosynary agencies, or private individuals or corporations; it may expend the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary.

**ARTICLE III
ESTABLISHMENT OF ZONING DISTRICTS AND
RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES**

Section 300. Establishment of Districts. For the purpose of this Ordinance, the City of Gaffney is hereby divided into the following zoning districts:

R-20	One-Family Residential District
R-12	One-Family Residential District
R-4	One-Family Residential District
R-6	One-Family and Two-Family Residential District
RM-8	Multi-Family Residential District
RM-16	Multi-Family Residential District
NC	Neighborhood Commercial District
OC	Office Commercial District
GC	General Commercial District
CC	Core Commercial District
LI	Limited Industrial District
BI	Basic Industrial District
MH	Mobile Home District
PDD	Planned Development District
CE	College Educational District

Section 301. District Boundaries. The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the City of Gaffney which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Administrator under the words "Official Zoning Map, City of Gaffney, South Carolina," together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance changes are made to district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the official zoning map promptly by the City Administrator within seven days after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change has been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind, by any person or persons, shall be considered a violation of this Ordinance and punishable as provided by law. Any unauthorized change to the official zoning map shall not be binding upon the City of Gaffney.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, only the Official Zoning Map shall be considered as authoritative.

Section 302. Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 302.1 Boundaries indicated as approximately following the center lines of right-of-way lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines;
- 302.2 Boundaries indicated as approximately following platted lots or tract lines shall be construed as following such lines, whether public or private;
- 302.3 Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 302.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 302.5 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
- 302.6 Boundaries indicated as parallel to, or extensions of, features indicated in Subsections 1 through 5 above shall be so construed. In the case of distances not specifically indicated on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Board of Zoning Appeals shall interpret the district boundaries.

Section 303. Annexation and Other Adjustments to City Limits. Where city limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

- 303.1 The new land areas incorporated or otherwise annexed shall be classified R-12 One-Family Residential District until such time as the City Council may desire to change such classification through normal amendment procedures; provided, however, that within 30 days following the effective date of such incorporation, City Council shall direct the Planning Commission to review and make recommendations pertaining to the zoning of the newly incorporated areas. The Planning Commission shall then process and act upon such proposed amendments following the necessary public hearing as required by Article X of this Ordinance.
- 303.2 In all cases, where additions or deletions in the City of Gaffney's total land area require adjustments in the Zoning District boundaries, said amendments shall be made on the Zoning Map within 60 days and the date of Council action shall be noted.

ARTICLE IV APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this Ordinance, the following general standards for the enforcement of District Regulations shall apply.

Section 400. Use of Land or Structures.

- 400.1 No land or structure shall hereinafter be used or occupied, and no structure or parts hereafter be constructed, erected, altered or moved, unless in conformity with all the regulations herein specified for the district in which located.
- 400.2 No structure shall hereafter be erected or altered:
- (a) with greater height, size, bulk, or other dimensions;
 - (b) to accommodate or house a greater number of families;
 - (c) to occupy a greater percentage of lot area;
 - (d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- 400.3 No part of a yard, or other open space, off-street parking or loading required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading

space similarly required for any other building.

Section 401. Lot Reduction Prohibited. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 402. Use of Substandard Lots of Record. Where a lot lawfully in existence at the time of adoption of this Ordinance does not encompass sufficient land to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property. If, however, two (2) or more adjoining lots with insufficient land dimensions are under common ownership, then those lots must first be combined to comply with the dimensional requirements of the Ordinance.

ARTICLE V REQUIREMENTS BY DISTRICTS

Section 500. R-20 One-Family Residential District.

500.1 Intent of District. it is the intent of this Section that the R-20 Zoning District be developed and reserved for low density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of 20,000 square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

500.2 Permitted Uses. The following uses shall be permitted in any R-20 Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) One-Family dwelling (other than a mobile home).
- (b) Unlighted golf course, excluding miniature golf courses and driving ranges.
- (c) Non-commercial horticulture or agriculture, but not including the keeping of poultry, livestock, or kennels.
- (d) Customary home occupation established under the provisions of Section 709.
- (e) Accessory use in compliance with the provisions of Sections 710 and 711.

[Editor's Note: The City of Gaffney amended Section 500.2 of the Zoning Ordinance on July 12, 2004.]

500.3 Conditional Uses. The following uses shall be permitted in any R-20 Zoning District on a conditional basis, subject to conditions set forth in Article VIII,

Section 804. For any conditional uses within the R-20 District, a minimum ten (10) foot wide landscape buffer strip, in compliance with Section 725 of this ordinance, shall be installed and maintained along all property lines bordering a parcel that is zoned for residential usage. The buffer strip is to start at a point even with the front line of the principal structure and extend back to the rear parcel line.

(a) Church, synagogue, temple and other places of worship; provided that:

- (1) such use is housed in a permanent structure which meets all building, electrical, and plumbing codes for places of public assembly,
- (2) such use is located on a lot not less than 40,000 square feet in area,
- (3) no structure on the lot is closer than 25 feet to any abutting property line zoned for residential use, and
- (4) exterior and parking lot lights do not reflect onto adjoining residences.

(b) Private kindergarten, Day-Care Center, or pre-school nursery; provided that:

- (1) such uses meet the minimum standards set forth for such facilities by the State Board of Health;
- (2) such use is located on a lot of not less than 40,000 square feet in area;
- (3) no structure on the lot is closer than 25 feet to any abutting residential property line, and
- (4) a five (5) foot wall or fence is constructed around any play area.

(c) Neighborhood parks and recreation facilities.

(d) Public utility substation or sub-installation including water towers; provided that:

- (1) such use is enclosed by a wall or fence at least six (6) feet in height above finished grade,
- (2) there is neither office nor commercial operation nor storage of vehicles or equipment on the premises.

(e) Mobile homes or manufactured housing, one (1) parcel, if no other residential dwelling is present, in full compliance with Section 724 of this ordinance. The mobile home shall have a minimum floor area of 1300 square feet.

(f) Temporary use in compliance with the provisions of Article VIII, Section 804.

(g) Schools, up through and including high schools, whether public or private, accredited by the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097), provided that:

- (1) Minimum Parcel Area is Five (5) acres.
- (2) Minimum Lot Width Measured at Building Line: One hundred (100) feet.

- (3) Minimum Front Setback, measured from the nearest right-of-way line: Fifty (50) feet. For additional requirements, see Article VII, Sections 702, 703, 704, 705 and 706.
- (4) Minimum Side Setback: Fifty (50) feet. In addition, where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For additional side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- (5) Minimum Rear Setback: Fifty (50) feet. Where the district abuts a residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For additional side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- (6) Exterior and parking lights shall not reflect onto adjoining residential lots.
- (7) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (8) All standards set forth in Article VII, pertaining to off-street parking, loading and other requirements are complied with.

[Editor's Note: The City of Gaffney amended Section 500.3(g) of the Zoning Ordinance on July 12, 2004.]

500.4 Other Requirements. Uses permitted in R-20 Zoning Districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided in Article IV, Section 402 of this Ordinance.

- (a) Minimum Lot Area: Twenty thousand (20,000) square feet.
- (b) Minimum Land Area Per Dwelling Unit: Twenty thousand (20,000) square feet.
- (c) Minimum Lot Width measured at Building Line: one hundred (100) feet.
- (d) Minimum Front Yard Depth measured from the nearest right-of-way line: Forty (40) feet. For exceptions to this requirement, see Article VII, Section 704 and 705.
- (e) Minimum Side Yard: No less than ten (10) feet. For side yard requirements pertaining to corner lots, see Article VII, Section 702 and 704.
- (f) Minimum Rear Yard: Thirty (30) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (g) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (h) Additional Requirements: Uses permitted in R-20 Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking,

loading, and other requirements.

- (i) Signs: Signs permitted in R-20 Zoning Districts, including the conditions under which they may be located are set forth in Article VI.

Section 501. R-12 One-Family Residential District.

501.1 Intent of District. It is the intent of this Section that the R-12 Zoning District be developed and reserved for low to medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of 12,000 square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

501.2 Permitted Uses. The following uses shall be permitted in any R-12 Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) One-Family dwelling (other than a mobile home).
- (b) Unlighted golf course, excluding miniature golf courses and driving ranges.
- (c) Non-commercial horticulture or agriculture, but not including the keeping of poultry, livestock, or kennels.
- (d) Customary home occupation established under the provisions of Section 709.
- (e) Accessory use in compliance with the provisions of Sections 710 and 711.

[Editor's Note: The City of Gaffney amended Section 501.2 of the Zoning Ordinance on July 12, 2004.]

501.3 Conditional Uses. The following uses shall be permitted in any R-12 Zoning District on a conditional basis, subject to conditions set forth in Article VIII, Section 804. For any conditional uses within the R-12 District a minimum ten (10) foot wide landscaped buffer strip, in compliance with Section 725 of this ordinance, shall be installed and maintained along all property lines bordering a parcel that is zoned for residential usage. The buffer strip is to start at a point even with the front line of the principal structure and extend back to the rear parcel line.

(a) Church, synagogue, temple and other places of worship; provided that:

- (1) such use is housed in a permanent structure which meets all building, electrical, and plumbing codes for places of public assembly,
- (2) such use is located on a lot not less than 20,000 square feet in area,
- (3) no structure on the lot is closer than 25 feet to any abutting property line zoned for residential use, and

- (4) exterior and parking lot lights do not reflect onto adjoining residences.
- (b) Private kindergarten, Day Care Center, or pre-school nursery; provided that:
- (1) such uses meet the minimum standards set forth for such facilities by the State Board of Health;
 - (2) such use is located on a lot not less than 40,000 square feet in area;
 - (3) no structure on the lot is closer than 25 feet to any abutting residential property line, and
 - (4) a five (5) foot wall or fence is constructed around the play area.
- (c) Neighborhood parks and recreation facilities.
- (d) Public utility substation or sub-installation including water towers; provided that:
- (1) such use is enclosed by a wall or chain link fence at least six (6) feet in height above finished grade,
 - (2) there is neither office nor commercial operation nor storage of vehicles or equipment on the premises.
- (e) Mobile homes or manufactured housing, one (1) per parcel, if no other residential dwelling is present, in full compliance with Section 724 of this ordinance. The mobile home shall have a minimum floor area of 1300 square feet.
- (f) Temporary use in compliance with the provisions of Article VIII, Section 804.
- (g) Schools, up through and including high schools, whether public or private, accredited by the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097), provided that:
- (1) Minimum Parcel Area is Five (5) acres.
 - (2) Minimum Lot Width Measured at Building Line: One hundred (100) feet.
 - (3) Minimum Front Setback, measured from the nearest right-of-way line: Fifty (50) feet. For additional requirements, see Article VII, Sections 702, 703, 704, 705 and 706.
 - (4) Minimum Side Setback: Fifty (50) feet. In addition, where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For additional side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
 - (5) Minimum Rear Setback: Fifty (50) feet. Where the district abuts a residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this

ordinance, of at least ten (10) feet in width shall be required. For additional side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.

- (6) Exterior and parking lights shall not reflect onto adjoining residential lots.
- (7) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (8) All standards set forth in Article VII, pertaining to off-street parking, loading and other requirements are complied with.

[Editor's Note: The City of Gaffney amended Section 501.3(g) of the Zoning Ordinance on July 12, 2004.]

501.4 Other Requirements. Uses permitted in R-12 Zoning Districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided in Article IV, Section 402 of this Ordinance.

- (a) Minimum Lot Area: Twelve thousand (12,000) square feet.
- (b) Minimum Land Area Per Dwelling Unit: Twelve thousand (12,000) square feet.
- (c) Minimum Lot Width measured at Building Line: Seventy-five (75) feet.
- (d) Minimum Front Yard Depth measured from the nearest right-of-way line: Thirty-five (35) feet. For exceptions to this requirement, see Article VII, Section 704 and 705.
- (e) Minimum Side Yard: No less than ten (10) feet for one side, provided that the total of both side yards is no less than twenty (20%) percent of the total lot width. For side yard requirements pertaining to corner lots, see Article VII, Section 702 and 704.
- (f) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (g) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (h) Additional Requirements: Uses permitted in R-12 Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading, and other requirements.
- (i) Signs: Signs permitted in R-12 Zoning Districts, including the conditions under which they may be located are set forth in Article VI.

Section 502. R-6 One-Family and Two-Family Residential District.

502.1 Intent of District. It is the intent of this Section that the R-6 Zoning District be developed and reserved for low to medium density one-family and two-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy

environment for one-family and two-family dwellings situated on lots of 6,000 square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

502.2 Permitted Uses. The following uses shall be permitted in any R-6 Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) All uses permitted in R-12 One-Family Residential District, as shown in Section 501.2.
- (b) Two-Family dwellings and garage apartments accommodating no more than two (2) families per lot. No more than one (1) duplex structure, with no more than two (2) residential dwelling units, is permitted on any parcel.
- (c) Church, synagogue, temple, or other place of worship, provided that the site is first submitted and then approved by the Planning Commission.

502.3 Conditional Uses.

- (a) All conditional uses permitted in the R-12 One-Family Residential District, as shown in Section 501.3, shall be permitted in any R-6 Zoning District on a conditional basis, subject to conditions set forth in Article VIII, Section 804, with the exception of churches, synagogues, temples, and other places of worship which shall be permitted uses as set forth in Section 502.2 (c) above. If operated as part of a church, synagogue, temple, or other place of worship, a private kindergarten or pre-school nursery shall be considered a permitted use. Otherwise, such use shall be considered a conditional use and shall be required to observe the requirements for private kindergarten and pre-school nurseries as set forth in Section 501.3 (b). Community residential care facilities shall be permitted within R-6 zoning districts subject to a minimum lot size of 20,000 sq. ft., all conditions set forth in Article VIII, Section 804, and conditions stated below. For any conditional uses within the R-6 District, a minimum ten (10) foot wide landscaped buffer strip, in compliance with Section 725 of this ordinance, shall be installed and maintained along all property lines bordering a parcel that is zoned for residential usage.
- (b) Mobile homes or manufactured housing, one (1) per parcel, if no other residential dwelling is present in full compliance with Section 724 of this ordinance. The mobile home shall have a minimum floor area of 1300 square feet.

502.4 Other Requirements. Uses permitted in R-6 Districts shall be required to conform to the following standards, except that use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided by Article IV, Section 402, of this Ordinance.

- (a) Minimum Lot Area: Six thousand (6,000) square feet, one-family; nine thousand (9,000) square feet, two-family.
- (b) Minimum Lot Width measured at the Building Line: Fifty (50) feet.
- (c) Minimum Front Yard Depth measured from the nearest street right-of-way line: Fifteen (15) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- (d) Minimum Side Yard: Five (5) feet from one side, provided that the total of both side yards is not less than ten (10%) percent of the total lot width. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- (e) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (g) Additional Requirements: Uses permitted in R-6 Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- (h) Signs: Signs permitted in R-6 Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

Section 503. RG One-Family and Two-Family Residential District

503.1 Intent of District. It is the intent of this Section that the RG Zoning strict be developed and reserved for low to medium density one-family and two-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family and two-family dwellings, including mobile homes, situated on lots 6,000 square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

503.2 Permitted Uses. The following uses shall be permitted in any RG Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) All uses permitted in R-12 One-Family Residential District, as shown in Section 501.2.
- (b) Two-Family dwellings and garage apartments accommodating no more than two (2) families per lot. No more than one (1) duplex, with no more than two (2) residential dwelling units, is permitted on any parcel.
- (c) Church, synagogue, temple, or other place of worship, provided that the site is first submitted and then approved by the Planning Commission.

503.3. Conditional Uses.

- (a) All conditional uses permitted in the R-12 One-Family Residential District, as

shown in Section 501.3, shall be permitted in any RG Zoning District on a conditional basis, subject to conditions set forth in Article VIII, Section 804, with the exception of churches, synagogues, temples, and other places of worship which shall be permitted uses as set forth in Section 503.2 (c) above. If operated as part of a church, synagogue, temple, or other place of worship, a private kindergarten or pre-school nursery shall be considered a permitted use. Otherwise, such use shall be considered a conditional use and shall be required to observe the requirements for private kindergarten and pre-school nurseries as set forth in Section 501.3 (b). For any conditional uses within the RG District, a minimum ten (10) foot wide landscaped buffer strip, in compliance with Section 725 of this ordinance, shall be installed and maintained along all property lines bordering a parcel that is zoned for residential usage.

- (b) One mobile home per parcel, in compliance with the Mobile Home Standards included in Section 724 of this ordinance, and provided the mobile home is the only dwelling on the lot, and provided that the mobile home shall have a minimum floor area of not less than 600 square feet.

503.4 Other Requirements. Uses permitted in RG Districts shall be required to conform to the following standards, except that use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided by Article IV, Section 402, of this Ordinance.

- (a) Minimum Lot Area: Six thousand (6,000) square feet, one-family; nine thousand (9,000) square feet, two-family.
- (b) Minimum Lot Width measured at the Building Line: Fifty (50) feet.
- (c) Minimum Front Yard Depth measured from the nearest street right-of-way line: Fifteen (15) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- (d) Minimum Side Yard: Five (5) feet from one side, provided that the total of both side yards is not less than ten (10%) percent of the total lot width. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- (e) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (g) Additional Requirements: Uses permitted in RG Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- (h) Signs: Signs permitted in RG Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

Section 504. RM-8 Residential, Multi-Family Districts.

- 504.1 Intent of District. It is the intent of this section that the RM-8 Zoning District be developed and reserved for medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of multi-family dwellings, and to discourage unwanted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.
- 504.2 Permitted Uses. The following uses shall be permitted in any RM-8 Zoning District. This list provides general use categories; for specific uses see Appendix "C."
- (a) All uses permitted in the R-6 Residential District, as shown in Section 502.2. Such uses shall be subject to development specifications included in Section 502.
 - (b) Multi-family dwellings.
 - (c) Boarding houses.
 - (d) Professional offices limited to professional occupations licensed by the State of South Carolina.
- 504.3 Conditional Uses. The following uses may be permitted in any RM-8 Zoning District on a conditional basis subject to the provisions set forth in Article VIII, Section 804.
- (a) All conditional uses permitted in the R-6 Zoning District as set forth in Section 502.3.
 - (b) Public or private care homes, community residential care facilities, provided such facilities conform with the requirements of the State Board of Health, provided plans for such facilities receive the written approval of the Cherokee County Board of Health prior to the issuance of any permits for construction and operation; copies of such approval to be attached to the building permit and to be retained in the files of the Building Official. Provided a minimum ten (10) foot buffer strip, in compliance with Section 725 of this ordinance, is installed and maintained.
 - (c) Mobile homes or manufactured housing, one (1) per parcel, if no other residential dwelling is present, in full compliance with Section 724 of this ordinance. The mobile homes shall have a minimum floor area of 1300 square feet.
- 504.4 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, multi-family uses permitted in RM-8 Zoning Districts shall be required to conform to the following standards:
- (a) Minimum Lot Area: Forty thousand (40,000) square feet (minimum for multi-family developments, not individual fee simple units).

- (b) Minimum Lot Area per Dwelling Unit: Five thousand (5,000) square feet.
- (c) The maximum density for multi-family dwellings shall be eight (8) units per acre.
- (d) Minimum Lot Width measured at the Building Line: Developments - one hundred (100) feet. Individual fee simple units - Twenty (20) feet.
- (e) Minimum Front Yard Depth measured from the nearest abutting street right-of-way line: twenty (20) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- (f) Minimum Side Yard: Not less than twenty (20) feet for each side. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704. Within a fee simple attached development, this regulation applies to end units only.
- (g) Minimum Rear Yard: Forty (40) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704 (minimum for multi-family developments, not individual fee simple units).
- (h) An additional twenty (20) foot wide landscaped buffer strip, in compliance with Section 725 of this ordinance, shall be provided if the parcel borders any parcel zoned R-20, R-12, R-6, or RG.
- (i) Maximum Building Height: Thirty-five (35) feet, as measured upward from the point of lowest ground level elevation of said building. For other exceptions to the height regulations, see Article VII, Section 721.
- (j) The minimum heated floor area for multi-family dwelling units shall be as shown:

Efficiency	500 s. f.
One-Bedroom	550 s. f.
Two Bedrooms	700 s. f.
Three or more bedrooms	800 s. f.

- (k) Additional Requirements: Uses permitted in RM-8 Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- (l) Signs: Signs are permitted in accordance with the provisions set forth in Article VI of this Ordinance.

504.5 Development Standard for Boarding Houses, Care Facilities, and Professional Offices Within R-M Districts.

- (a) Minimum Lot Size: 40,000 square feet.
- (b) Minimum Setbacks:

Front	21 Feet
Side	20 Feet
Rear	40 Feet

(c) An additional twenty (20) foot wide landscaped buffer strip, in compliance with Section 725 of this ordinance, shall be provided if the parcel borders any parcel zoned R-20, R-12, R-6, or RG.

(d) All parking is to be located to the rear or the front line of the principal building or structure.

Section 505. RM-16 Residential, Multi-Family District.

505.1 Intent of District. It is the intent of this section that the RM-16 Zoning District be developed and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of multi-family dwellings, and to discourage unwanted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

505.2 Permitted Uses. The following uses shall be permitted in any RM-16 Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) All uses permitted in the R-6 Residential District, as shown in Section 502.2. Such uses shall be subject to development specifications included in Section 502.
- (b) Multi-family dwellings.
- (c) Boarding houses.
- (d) Professional offices limited to professional occupations licensed by the State of South Carolina.

505.3 Conditional Uses. The following uses may be permitted in any RM-16 Zoning District on a conditional basis subject to the provisions set forth in Article VIII, Section 804.

- (a) All conditional uses permitted in the R-6 Zoning District as set forth in Section 502.3.
- (b) Public or private care homes, community residential care facilities, provided such facilities conform with the requirements of the State Board of Health, provided plans for such facilities receive the written approval of the Cherokee County Board of Health prior to the issuance of any permits for construction and operation; copies of such approval to be attached to the building permit and to be retained in the files of the Building Official.
- (c) Mobile homes or manufactured housing, one (1) per parcel, if no other residential dwelling is present in full compliance with Section 724 of this ordinance. The mobile homes shall have a minimum floor area of 1300 square feet.

505.4 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, multi-family uses permitted in RM-16 Zoning Districts shall be required to conform to the following standards:

- (a) Minimum Lot Area: Forty thousand (40,000) square feet (minimum for multi-family development, not individual units).
- (b) Minimum Lot Area per Dwelling Unit: Two thousand seven hundred (2,700) square feet.
- (c) The maximum density for multi-family dwellings shall be sixteen (16) units per acre.
- (d) Minimum Lot Width measured at the Building Line: Developments - One hundred (100) feet. Individual fee simple units - Twenty (20) feet.
- (e) Minimum Front Yard Depth measured from the nearest abutting street right-of-way line: twenty-five (25) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- (f) Minimum Side Yard: No less than twenty (20) feet for each side. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704. Within a fee simple attached development, this regulation applies to end units only.
- (g) Minimum Rear Yard: Forty (40) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704 (minimum for multi-family developments, not individual fee simple units).
- (h) An additional twenty (20) foot wide landscaped buffer strip, in compliance with Section 725 of this ordinance, shall be provided if the parcel borders any parcel zoned R-20, R-12, R-6, or RG.
- (i) Maximum Building Height: Thirty-five (35) feet, as measured upward from the point of lowest ground level elevation of said building. For exceptions to the height regulations, see Article VII, Section 721.
- (j) The minimum heated floor area for multi-family dwelling units shall be as shown:

Efficiency	500 s. f.
One-Bedroom	550 s. f.
Two Bedrooms	700 s. f.
Three or more bedrooms	800 s. f.

- (k) Additional Requirements: Uses permitted in RM-16 Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- (l) Signs: Signs are permitted in accordance with the provisions set forth in Article VI of this Ordinance.

505.5 Development Standards for Boarding Houses, Care Facilities, and Professional

Offices Within RM Districts.

- (a) Minimum Lot Size: 40,000 square feet.
- (b) Minimum Setbacks:

Front	21 Feet
Side	20 Feet
Rear	40 Feet

- (c) An additional twenty (20) foot wide landscaped buffer strip, in compliance with Section 725 of this ordinance, shall be provided if the parcel borders any parcel zoned R-20, R-12, R-6, or RG.
- (d) All parking is to be located to the rear or the front line of the principal building or structure.

Section 506. NC Neighborhood Commercial District.

506.1 Intent of District. It is the intent of this Section that the NC Zoning District be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy, and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; control traffic and parking congestion; avoid the development of "strip" business districts; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

506.2 Permitted Uses. The following uses shall be permitted in NC Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) General retail stores, provided there is no outside storage of inventory, parts, machinery of equipment.
- (b) Service businesses, including - but not limited to plumbers, electricians, barbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.
- (c) Professional Offices
- (d) Banks and other financial institutions
- (e) Restaurants
- (f) Retail food stores, including general groceries, produce standards, bakeries, meat markets (without slaughtering on-site), etc.
- (g) Food preparation establishments for off-premise delivery.
- (h) Day care centers.
- (i) Cultural and community centers, including libraries, theaters, neighborhood

- recreation centers, churches and other religious facilities.
- (j) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, excluding transmission towers.
- (k) Schools.
- (l) Clinics, nursing and convalescence homes.
- (m) Veterinary offices with no external runs.
- (n) Kennels, as an accessory use to a veterinary office only, with no external runs.
- (o) Coin operated laundries, dry cleaning - excluding dry cleaning plants.
- (p) Funeral homes.
- (q) Auto parking lots.
- (r) Commercial printers.
- (s) Facilities of city, county, state or federal government.
- (t) Facilities of the Cherokee County School System or other public service districts.
- (u) Community residential care facilities.

506.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any NC Zoning District, subject to the conditions set forth in Article VIII, Section 804.

- (a) Automobile service station, provided operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailer or any type or boats, are not conducted on the premises, provided all fuel pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, provided all fuel tanks are installed underground.
- (b) Bakery, provided that goods baked on the premises are sold only at retail on the premises.
- (c) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments (other than drive-in establishments), provided no outside load speaker systems are utilized, provided all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties, and provided trash disposal areas are enclosed by a solid stockade-type fence or wall of at least six (6) feet in height above finished grade.
- (d) Dry cleaning or laundry pickup agency, provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.
- (e) Meat, fish and/or poultry shop, provided that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such use may be permitted, provided cleaning activities are conducted within the principal building enclosure on the premises.
- (f) Public utility substations or subinstallation, including standpipes, water tanks, or fire towers, provided such use is enclosed by a painted or chain

link fence or wall of at least six (6) feet in height above finished grade, provided there is neither an office nor commercial operation nor storage of vehicles, provided a landscaped strip not less than five (5) feet in width is planted and suitably maintained.

- (g) A residential use as an accessory activity to any use permitted within the NC districts, provided the residential use is housed within the primary commercial or office structure.
- (h) Temporary use in compliance with the provisions of Article VIII, Section 804.
- (i) Residential dwelling, provided that the structure was originally constructed as a residential dwelling and was in use as a residential dwelling at the time the subject property was zoned commercial. **[Editor's Note:** The City of Gaffney amended Section 506.3(i) of the Zoning Ordinance on October 20, 2003.]

506.4 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in NC Neighborhood Commercial Zoning Districts shall be required to conform to the following standards:

- (a) Minimum Lot Area: twenty thousand (20,000) square feet.
- (b) Minimum Lot Width measured at the Building Line: Seventy-five (75) feet.
- (c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Forty (40) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- (d) Minimum Side Yard: Not less than fifteen (15) feet from each side. In addition, where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704. If a common wall is used the side setback shall be zero (0) feet.
- (e) Minimum Rear Yard: Thirty (30) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (g) Additional Requirements: Uses permitted in NC Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading, and other requirements.
- (h) Signs: Signs permitted in NC Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

Section 507. OC Office Commercial District.

507.1 Intent of District. It is the intent of this Section that the OC Zoning District be developed and reserved for professional office oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy, and compatible environment for professional office and institutional uses; to control traffic and parking congestion; to avoid the development of "strip" business districts; and to discourage the encroachment of industrial and other uses capable of adversely affecting the localized commercial character of the district.

507.2 Permitted Uses. The following uses shall be permitted in OC Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) Professional Offices.
- (b) Banks and other financial institutions.
- (c) Day care centers.
- (d) Cultural and community centers, including libraries, theaters, neighborhood recreation centers, churches and other religious facilities.
- (e) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, excluding transmission towers.
- (f) Schools.
- (g) Clinics, nursing and convalescence homes, community residential care facilities.
- (h) Veterinary offices with no external runs.
- (i) Kennels, as an accessory use to a veterinary office only, with no external runs.
- (j) Funeral homes.
- (k) Auto parking lots.
- (l) Commercial printers.
- (m) Facilities of city, county, state or federal government.
- (n) Facilities of the Cherokee County School System or other public service districts.

507.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any OC Zoning District, subject to the conditions set forth in Article VIII, Section 804.

- (a) Public utility substations or subinstallation, including standpipes, water tanks, or fire towers, provided such use is enclosed by a painted or chain link fence or stockade-type fence or wall at least six (6) feet in height above finished grade, provided there is neither an office nor commercial operation nor storage of vehicles on-site, provided a landscaped buffer strip, in compliance with Section 725 of this ordinance, not less than ten (10) feet in width is installed and maintained.
- (b) A residential use as an accessory activity to any use permitted within the OC district, provided the residential use is housed within the primary office or

commercial structure.

- (c) Temporary use in compliance with the provisions of Article VIII, Section 804.
- (d) Residential dwelling, provided that the structure was originally constructed as a residential dwelling and was in use as a residential dwelling at the time the subject property was zoned commercial. [**Editor's Note:** The City of Gaffney amended Section 507.3(d) of the Zoning Ordinance on October 20, 2003.]

507.4 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in OC Office Commercial Zoning Districts shall be required to conform to the following standards:

- (a) Minimum Lot Area: Twenty thousand (20,000) square feet.
- (b) Minimum Lot Width measured at the Building Line: Seventy-five (75) feet.
- (c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Forty (40) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- (d) Minimum Side Yard: Not less than fifteen (15) feet from each side. In addition, where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width, including a suitable planting screen or wall at least six (6) feet in height above finish grade, shall be required. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704. If a common wall is used the side setback shall be zero (0) feet.
- (e) Minimum Rear Yard: Thirty (30) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (g) Additional Requirements: Uses permitted in OC Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading, and other requirements.
- (h) Signs: Signs permitted in NC Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

Section 508. GC General Commercial District.

508.1 Intent of District. It is the intent of this Section that the GC Zoning District be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial service and professional uses which benefit from being located in close

proximity to each other; and to discourage any encroachment capable of adversely affecting the general commercial character of the district.

508.2 Permitted Uses. The following uses shall be permitted in any GC Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) General retail stores, provided that any outside storage of inventory, parts, machinery or equipment is completely enclosed by a solid stockade type wall or fence of at least six (6) feet in height. No storage of junk or salvage materials shall be permitted.
- (b) Service businesses, including - but not limited to plumbers, electricians, barbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and that any external storage of inventory, parts, machinery or equipment is completely enclosed by a solid stockade type wall or fence of at least six feet in height.
- (c) Professional Offices
- (d) Banks and other financial institutions
- (e) Restaurants
- (f) Retail food stores, including general groceries, produce standards, bakeries, meat markets (without slaughtering on-site), etc.
- (g) Food preparation establishments for off-premise delivery.
- (h) Day care centers.
- (i) Cultural and community centers, including libraries, theaters, neighborhood recreation centers, churches and other religious facilities.
- (j) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, excluding transmission towers.
- (k) Schools.
- (l) Clinics, nursing and convalescence homes.
- (m) Veterinary offices with no external runs.
- (n) Kennels, as an accessory use to a veterinary office only, with no external runs.
- (o) Coin operated laundries, dry cleaning - excluding dry cleaning plants.
- (p) Funeral homes.
- (q) Auto parking lots.
- (r) Commercial printers.
- (s) Facilities of city, county, state or federal government.
- (t) Facilities of the Cherokee County School System or other public service districts.
- (u) Radio or television studios.
- (v) Community residential care facilities.

508.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any GC Zoning District, subject to the conditions set forth in Article VIII, Section 804.

- (a) Automobile service station provided all fuel pumps are set back at least twenty-five (25) feet from the right-of-way line of the street; provided all fuel tanks are installed underground.
- (b) Garage or business for the repairing and servicing of motor vehicles provided all operations are conducted within a fully enclosed building; and provided there is no open storage of wrecked vehicles or dismantled parts.
- (c) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for industrial buildings, as set forth in Article VII.
- (d) Car wash or washeteria provided an off-street paved parking area capable of accommodating not less than one-half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises (such space to contain at least two hundred (200) square feet per waiting vehicle; and, provided no safety hazard or impediment to traffic movement is created by the operation of such an establishment.
- (e) Animal hospital and/or boarding facility provided all board arrangements are maintained within a building and no noise connected with the operation of the facility is audible beyond the premises.
- (f) Automobile, boat, and recreational vehicle dealership.
- (g) Community hospitals or clinics including any functions which relate directly to the operation of the hospitals or clinics and are contained within the confines of said hospital or clinic, and provided such uses are in compliance with the provisions of Section 711 of this ordinance.
- (h) Truck terminal, provided paved acceleration and deceleration lanes of at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained where trucks enter at or leave terminal sites; and, provided sites for such facilities have direct access to major streets.
- (i) Self storage mini-warehouse facilities, provided garage or bay doors are not visible from the public right-of-way or neighboring parcels, also provided that no retail or repair service business is conducted.
- (j) A residential use as an accessory activity to any use permitted within the GC district, provided the residential use is housed within the primary commercial or office structure.
- (k) Temporary uses in compliance with the provisions of Article VIII, Section 804.
- (l) Residential dwelling, provided that the structure was originally constructed as a residential dwelling and was in use as a residential dwelling at the time the subject property was zoned commercial. [**Editor's Note:** The City of Gaffney amended Section 508.3(l) of the Zoning Ordinance on October 20, 2003.]

508.4 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in GC General Commercial Zoning Districts shall be required to conform to the following standards:

- (a) Minimum Lot Area: Twenty thousand (20,000) square feet.
- (b) Minimum Lot Width measured at the Building Line: One Hundred (100) feet.
- (c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Twenty-five (25) feet.
- (d) Minimum Side Yard: Not less than fifteen (15) feet for each side. Where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For side yard requirements pertaining to corner lots, see Article VII, Section 702 and 704. If a common wall is used the side setback shall be zero (0) feet.
- (e) Minimum Rear Yard: Thirty (30) feet. Where the district abuts any residential zoning district not separated by a public right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (g) Additional Requirements: Uses permitted in GC Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- (h) Signs: Signs permitted in GC Zoning Districts, including the conditions under which they must be located, are set forth in Article VI.

508.5 Special Requirements. Special Requirements for Devices Authorized by Section 16-19-60 of the South Carolina Code, known as Coin-Operated Nonpayout Machines with a Free Play Feature, and Section 12-21-2770 of the South Carolina Code, known as the Video Game Machines Act. The operation or placement of such devices must be in accordance with the following regulations:

- (a) Location. Such devices may only be located in Section 508 GC (General Commercial), Section 510 (Limited Industrial), and Section 511 (Basic Industrial) Zoning Districts.
- (b) Distance Requirements. Any location which operates or allows the operation of such devices may not be located three (300) hundred feet of a public or private elementary, middle, or secondary school; a public or private kindergarten; a public playground or park; a public vocational or trade school or technical educational center; a public or private college or university; or house of worship. Measurement of such distances shall be in accordance with the standards promulgated by the South Carolina Department of Revenue or, in the absence of such standards, from threshold to threshold.
- (c) Non-Conforming Uses.

- (1) The operation of such devices in Zoning Districts other than those set

forth hereinabove may continue, provided that, as of the Enforcement Date:

- a. Such devices were in lawful use at such location, and
 - b. Such devices had valid City Licenses pursuant to Section 11-6-33(d)(2) of the Gaffney City Code, and
 - c. Such devices had valid State Licenses pursuant to Section 12-21-2770, known as the Video Game Machines Act, and
 - d. The business operating such devices had a valid City of Gaffney Business License.
- (2) Any person asserting a prior valid nonconforming use under the provisions of this Ordinance shall have the burden of establishing the same. The Zoning Administrator, Chief of Police, or other Public Official charged with enforcing the provisions of this Ordinance may require documentation and verification of such non-conforming use in accordance with the requirements of this Ordinance.
- (3) Operation of such devices at a location constituting a valid non-conforming use is discontinued for a period of six (6) months, the right to maintain such non-conforming use shall be deemed abandoned and forever waived.

Section 509. CC Core Commercial District.

509.1 Intent of District. The intent of the CC Core Commercial District is to encourage the maintenance of a centrally located trade and commercial service area and to provide for the orderly expansion of such uses.

509.2 Permitted Uses. The following uses shall be permitted in any CC Core Commercial District. This list provides general use categories; for specific uses see Appendix "C."

- (a) General retail stores, provided there is no outside storage of inventory, parts, machinery of equipment.
- (b) Service businesses, including - but not limited to plumbers, electricians, barbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.
- (c) Professional Offices
- (d) Banks and other financial institutions
- (e) Restaurants
- (f) Retail food stores, including general groceries, produce standards, bakeries, meat markets (without slaughtering on-site), etc.
- (g) Food preparation establishments for off-premise delivery.
- (h) Day care centers.
- (i) Cultural and community centers, including libraries, theaters, neighborhood recreation centers, churches and other religious facilities.

- (j) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, excluding transmission towers.
- (k) Schools.
- (l) Clinics, nursing and convalescence homes, community residential care facilities.
- (m) Veterinary offices with no external runs.
- (n) Kennels, as an accessory use to a veterinary office only, with no external runs.
- (o) Coin operated laundries, dry cleaning - excluding dry cleaning plants.
- (p) Funeral homes.
- (q) Auto parking lots.
- (r) Commercial printers.
- (s) Facilities of city, county, state or federal government.
- (t) Facilities of the Cherokee County School System or other public service districts.

509.3 Conditional Uses. The following uses shall be permitted on a conditional basis in the CC Zoning District, subject to the conditions set forth in Article 8, Section 804.

- (a) Single-family residential units, provided density is not greater than 4.0 per acre.
- (b) Multi-family and duplex residential, provided density is not greater than 16.0 per acre.
- (c) Residential units as an accessory use to commercial or office activities.

509.4 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in CC Core Commercial Districts shall be required to meet all standards set forth in this Ordinance for uses permitted in GC Zoning Districts, except that all front and side yard setback requirements, as well as all off-street parking and loading requirements are waived.

509.5 Signs. Signs permitted in the CC Zoning District, including conditions with which they must comply, are set forth in Article VI.

Section 510. LI Limited Industrial District.

510.1 Purpose. The intent of the LI Zoning District is to provide areas for limited industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, smoke, gas, dust, fire hazard, dangerous radiation, or other obnoxious conditions, to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature; to protect and reserve suitable undeveloped areas in the City of Gaffney; and to discourage encroachment by those residential, commercial, or other uses

capable of adversely affecting the limited industrial character of the district.

510.2 Permitted Uses. The following uses, or those uses similar in nature shall be permitted in any LI Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) Research or experimental laboratory.
- (b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses subject to the requirements of Section 510.3 (e).
- (c) Public building, facility, or land other than a school, playground, hospital, clinic, care home, or cultural facility
- (d) Public utility installation.
- (e) Agricultural farm.
- (f) Horticultural nursery.
- (g) Radio and/or television station and/or transmission tower.
- (h) Office building and/or offices for governmental, business, professional, or general purposes.
- (i) Commercial, trade, or vocational school.
- (j) Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee-owned vehicles.
- (k) Restaurants, delicatessens and other eating establishments.
- (l) Food preparation establishments for off-premise delivery.
- (m) General merchandise stores or convenience stores.
- (n) Automobile service stations.

510.3 Conditional Uses. The following uses, or those uses similar in nature shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in Section 804.

- (a) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- (b) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- (c) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is audible beyond the premises.
- (d) Retail business incidental to a permitted use as located on the same premises as a permitted use; and involves no open storage of junk or salvage materials or any type in conjunction with the operation.
- (e) Truck terminal provided that paved acceleration and deceleration lanes of at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained at every point where trucks enter or leave terminal sites located adjacent to major streets, provided no safety hazard or impediment to traffic movement is reduced on any access road, and provided no open storage of any type is conducted in connection with the operation.

- (f) Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and, provided a member of the household is employed by the industry as a watchman or caretaker.
- (g) Dwelling incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied only by the family of persons employed directly on the premises.
- (h) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts provided any open yard storage incidental to such an operation is completely enclosed by a solid stockade type wall of at least six (6) feet in height; and, provided no objectionable sound, vibration, heat, glare, or electrical disturbance is created which is perceptible beyond the premises.
- (i) Temporary use in compliance with the provisions of Article VIII, Section 804.

510.4 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in the LI Limited Industrial Districts shall be required to conform to the following standards:

- (a) Minimum Lot Area: one (1) acre.
- (b) Minimum Lot Width measured at the Building Line: one hundred (100) feet.
- (c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Forty (40) feet.
- (d) Minimum Side Yard: Not less than fifteen (15) feet on each side. Where the district abuts any non-industrial zoning district not separated by a public right-of-way, an additional twenty (20) foot wide landscaped buffer, in compliance with Section 725 of this ordinance, shall be required. For side yard requirements pertaining to corner lots, see Section 702 and 704.
- (e) Minimum Rear Yard: Fifty (50) feet. Where the District abuts any non-industrial zoning district not separated by a right-of-way, an additional landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least twenty (20) feet in width, shall be required. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (f) Maximum Building Height: Not more than thirty-five (35) feet, unless approved by the Fire Chief. For exceptions to height regulations, see Article VII, Section 721.
- (g) Additional Requirements: Uses permitted in LI Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- (h) Signs: Signs permitted in LI Zoning Districts, including the conditions under which they may be located are set forth in Article VI.

510.5 Special Requirements. Special Requirements for Devices Authorized by Section 16-19-60 of the South Carolina Code, known as Coin-Operated Nonpayout Machines with a Free Play Feature, and Section 12-21-2770 of the South Carolina Code, known as the Video Game Machines Act. The operation or placement of

such devices must be in accordance with the following regulations:

- (a) Location. Such devices may only be located in Section 508 GC (General Commercial), Section 510 (Limited Industrial), and Section 511 (Basic Industrial) Zoning Districts.
- (b) Distance Requirements. Any location which operates or allows the operation of such devices may not be located three (300) hundred feet of a public or private elementary, middle, or secondary school; a public or private kindergarten; a public playground or park; a public vocational or trade school or technical educational center; a public or private college or university; or house of worship. Measurement of such distances shall be in accordance with the standards promulgated by the South Carolina Department of Revenue or, in the absence of such standards, from threshold to threshold.
- (c) Non-Conforming Uses.
 - (1) The operation of such devices in Zoning Districts other than those set forth hereinabove may continue, provided that, as of the Enforcement Date:
 - a. Such devices were in lawful use at such location, and
 - b. Such devices had valid City Licenses pursuant to Section 11-6-33(d)(2) of the Gaffney City Code, and
 - c. Such devices had valid State Licenses pursuant to Section 12-21-2770, known as the Video Game Machines Act, and
 - d. The business operating such devices had a valid City of a Gaffney Business License.
 - (2) Any person asserting a prior valid nonconforming use under the provisions of this Ordinance shall have the burden of establishing the same. The Zoning Administrator, Chief of Police, or other Public Official charged with enforcing the provisions of this Ordinance may require documentation and verification of such non-conforming use in accordance with the requirements of this Ordinance.
 - (3) If operation of such devices at a location constituting a valid non-conforming use is discontinued for a period of six (6) months, the right to maintain such non-conforming use shall be deemed abandoned and forever waived.

Section 511. BI Basic Industrial District.

511.1 Intent of District. The intent of the BI, Basic Industrial, District is to promote the development and continued use of land for basic or primary industrial purposes which involve extensive manufacturing, processing, or assembly operations; and to preserve undeveloped sizeable tracts of land with industrial potential for

industrial uses.

511.2 Permitted Uses. The following uses, or those uses similar in nature shall be permitted in any BI Zoning District. This list provides general use categories; for specific uses see Appendix "C."

- (a) Any use permitted in any LI Zoning District, subject to the standards set forth in this Section.
- (b) Any industrial use plus operations incidental to such use which involves manufacturing, processing, or assembly operations, or the storage and sale of heavy materials, products, or equipment; but not including junk or salvage yards or uses which may cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazards, dangerous radiation.
- (c) Animal hospital and/or board facility.
- (d) Warehouse.
- (e) Bulk storage of petroleum products.
- (f) Restaurants, delicatessens and other eating establishments for off premise delivery.
- (g) Food preparation establishment for off-premise delivery.
- (h) General merchandise stores and convenience stores.
- (i) Automobile service stations.

511.3 Conditional Uses. The following uses, or those uses similar in nature shall be permitted on a conditional basis in any BI Zoning District, subject to the conditions set forth in Section 804:

- (a) Any use permitted on a conditional basis in any LI Zoning District, subject to the conditions of Subsection 511.3 and Article VIII, Section 804.
- (b) Retail or wholesale business or service, provided such business or service is incidental to a permitted industrial use; and is located on the same premises.
- (c) Truck terminal, provided that paved acceleration and deceleration lanes of at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained at every point where trucks enter or leave terminal sites; and, provided sites for such facilities have direct access to major streets.
- (d) Private recreation facilities provided such facility is incidental to a permitted use and located on the same premises.
- (e) Any industrial use which may produce air, noise, water, or ground emission conditions, provided such emissions do not constitute a nuisance to adjoining properties; provided such use is located at least fifty (50) feet from any abutting property line; and provided such use is located on a site of at least five (5) acres in size, except that if such use borders a parcel zoned for residential usage, it shall be located at least seventy (70) feet from such property line. A landscaped buffer area, in compliance with Section 725 of this ordinance, with a minimum width of fifty (50) feet shall be required.

(f) Temporary use in compliance with the provisions of Article VIII, Section 804.

511.4 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in BI Basic Industrial Zoning Districts shall be required to conform to the following standards:

- (a) Minimum Lot Area: One (1) Acre.
- (b) Minimum Lot Width measured at the Building Line: One Hundred fifty (150) feet.
- (c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Forty (40) feet.
- (d) Minimum Side Yard: No less than twenty-five (25) feet on each side. Where the district abuts any non-industrial district not separated by a right-of-way, a suitable buffer area of at least twenty (20) feet in width, in compliance with Section 725 of this ordinance, shall be required. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- (e) Minimum Rear Yard: Fifty (50) feet, except that where the property abuts any non-industrial zoning district, required. A buffer area of not less than ten (10) feet in width, in compliance with Section 725 of this ordinance, shall be required. For rear yard requirements pertaining to double frontage lots see Article VII, Section 704.
- (f) Maximum Building Height: No more than thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (g) Additional Requirements: Uses permitted in BI Zoning Districts shall meet all standards set forth in Article VII pertaining to off-street parking, loading, and other requirements.
- (h) Signs: Signs permitted in BI Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

511.5 Special Requirements. Special Requirements for Devices Authorized by Section 16-19-60 of the South Carolina Code, known as Coin-Operated Nonpayout Machines with a Free Play Feature, and Section 12-21-2770 of the South Carolina Code, known as the Video Game Machines Act. The operation or placement of such devices must be in accordance with the following regulations:

- (a) Location. Such devices may only be located in Section 508 GC (General Commercial), Section 510 (Limited Industrial), and Section 511 (Basic Industrial) Zoning Districts.
- (b) Distance Requirements. Any location which operates or allows the operation of such devices may not be located three (300) hundred feet of a public or private elementary, middle, or secondary school; a public or private kindergarten; a public playground or park; a public vocational or trade school or technical educational center; a public or private college or university; or house of worship. Measurement of such distances shall be in accordance with the standards promulgated by the South Carolina

Department of Revenue or, in the absence of such standards, from threshold to threshold.

(c) Non-Conforming Uses.

- (1) The operation of such devices in Zoning Districts other than those set forth hereinabove may continue, provided that, as of the Enforcement Date:
 - a. Such devices were in lawful use at such location, and
 - b. Such devices had valid City Licenses pursuant to Section 11-6-33(d)(2) of the Gaffney City Code, and
 - c. Such devices had valid State Licenses pursuant to Section 12-21-2770, known as the Video Game Machines Act, and
 - d. The business operating such devices had a valid City of Gaffney Business License.
- (2) Any person asserting a prior valid nonconforming use under the provisions of this Ordinance shall have the burden of establishing the same. The Zoning Administrator, Chief of Police, or other Public Official charged with enforcing the provisions of this Ordinance may require documentation and verification of such non-conforming use in accordance with the requirements of this Ordinance.
- (3) If operation of such devices at a location constituting a valid non-conforming use is discontinued for a period of six (6) months, the right to maintain such non-conforming use shall be deemed abandoned and forever waived.

Section 512. MH Mobile Home District.

512.1 Intent of District. The intent of the MH Mobile Home District is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in mobile homes, and to protect mobile home parks from encroachment by incompatible uses. Any mobile home park within the City of Gaffney shall henceforth be located in conformance with the regulations set forth herein.

512.2 Permitted Uses. Uses permitted in MH Districts shall include mobile home parks, as well as all uses permitted in the RG Residential District, as included in Section 503.

512.3 Definitions. For definitions of the terms "Mobile Home," "Mobile Home Park," "Mobile Home Space," "Camper," "Trailer," and "House Trailer," see Section 1100.

512.4 Park Plan. Mobile home parks permitted in MH Districts shall conform to the

following requirements:

- (a) The park shall be no less than five (5) acres in size, and shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) The mobile home park shall not contain more than eight (8) mobile home units per acre.
- (c) Mobile home spaces shall be provided consisting of an average of not less than 6,000 square feet of area, each space to be at least 50 feet wide and clearly defined.
- (d) Mobile homes shall be so situated on each space so as to provide:
 - 1. a minimum of twenty (20) feet of clearance between mobile homes and any property line bounding the park.
 - 2. a minimum of twenty (20) feet of clearance between mobile homes parked end to end and between a mobile home and any building located within the park.
- (e) Mobile homes shall be so located on each space so that there will be a minimum front yard setback of not less than twenty (20) feet between the mobile home and any abutting drive.
- (f) Each mobile home park shall have a minimum area of five thousand (5,000) square feet set aside as common open space; in the case of a park larger than the minimum five (5) acres or in the case of an expansion to a park, five hundred (500) square feet of common open space shall be added for each mobile home unit after the twentieth (20th) unit.
- (g) Streets and drives within mobile home parks shall conform to the land development regulations of the City of Gaffney.
- (h) A minimum ten (10) foot wide strip, in compliance with Section 725 of this ordinance, shall be located along all property lines bounding the park but not bordering a street.
- (i) Off-street parking, loading, and other requirements shall conform to the standards set forth in Article VII.
- (j) The site plan for a MH District must be reviewed by the Cherokee County Board of Health, which shall advise the Planning Commission of its findings in writing prior to the Commission's making a recommendation on the proposal. The Planning Commission shall be restricted from making a favorable recommendation unless the Board of Health determines that all local and State codes and standards pertaining to health and environmental sanitation in mobile home parks have been met by the applicants.
- (k) Signs: Signs permitted in MH Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

512.5 Mobile Home Subdivision. If spaces for mobile homes are to be offered for sale, lots proposed for sale must be recorded according to the land development

requirements in effect in the City of Gaffney. Applications for subdivision may be processed in conjunction with the administrative review procedure required under this Ordinance to obtain authorization of development within an MH Zoning District. Whether spaces are proposed for sale, rental, or lease, the design of the park shall comply with the standards set forth in this Section.

- 512.6 Revocation of License. The City Council may revoke any license to maintain and operate a mobile home park when the licensee has been found guilty by a court of competence jurisdiction of violating any provisions of this Ordinance. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.
- 512.7 Posting and Certificate of Occupancy. A valid Certificate of Occupancy shall be conspicuously posted in the office or on the premises of the MH District.
- 512.8 Existing Mobile Home Park. Existing mobile home parks not in conformance with the provisions of this section shall be considered as nonconforming uses, and shall be governed by the provisions regulating such uses under Sections 707 and 708.

Section 513. Planned Development Districts.

- 513.1 Intent of the District. The three Planned Development PDD Districts are PDD-R, PDD-MU, and PDD-RC, are established to encourage innovative site planning and creative design of residential and/or commercial developments and to permit a greater amount of flexibility of development by removing some restrictions of conventional zoning. It is the intent of these districts that design and planning features be incorporated properly into site designs and layouts all PDD districts hereafter created, and that the Planning Commission shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such districts. The districts are also intended to encourage developments which provide a full range of residential types to serve the inhabitants of the district, or to accommodate large regional scale commercial activities in a manner which best serves the Gaffney community. The regulations provide a mechanism to evaluate each application on its own merit. It is recognized that some concepts will be more successful than others and the approval of an application in one situation does not necessarily indicate the development will be applicable in other situations. It should also be emphasized that these provisions are not designed to circumvent the intent or use of conventional zoning classifications as set forth in this ordinance. A planned residential development is not intended to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning, and to ensure the provision of park and recreation land and facilities for use of occupants in order to obtain a more desirable environment.

513.2 Types of Planned Development Districts. Three types of planned development districts accommodating primarily residential and/or nonresidential uses are created as follows:

- (a) PDD-R Planned Development - Residential: The PDD-R district is intended to accommodate primarily residential uses, with non-residential uses integrated into the design of such districts as a secondary activity.
- (b) PDD-MU Planned Development - Mixed Use: The PDD-MU district is intended to accommodate primarily non-residential uses, with residential uses integrated into the design of such districts as a secondary activity.
- (c) PDD-RC Regional Commercial District - The PDD-RC district is intended to accommodate large commercial and professional office developments serving a regional market area.

513.3 Minimum Area. The minimum area of a PDD-R shall be two (2) contiguous acres to be under the control of a single developer or entity at the time of zoning approval. The minimum area of a PDD-MU or PDD-RC district shall be five (5) contiguous acres to be under the control of a single developer or entity at the time of zoning approval.

513.4 Maximum Area of Commercial or Service Components of a PDD. Uses in PDD-R districts in which commercial or service uses are permitted: The area of land devoted to such uses, including structures, parking, and related characteristics and accessory uses thereto shall not exceed the following percentages for any specific site size:

Site Size in Acres	Maximum Percentage of Commercial or Service
2 but less than 10	20
10 but less than 20	30
20 but less than 30	40
30 or more	50

Provided, however, that these percentages shall apply only to commercial and service uses, and not to other non-residential uses such as schools, parks, community buildings, or public facilities. The required parking area for commercial and service uses shall be counted toward maximum percentages.

513.5 Permitted Accessory Uses and Structures. Accessory uses and structures shall not be permitted in residential segments of planned developments.

513.6 Uses and Structures Permitted Upon Review. No review actions by the Board of

Zoning Appeals is required to establish any specific use. Uses and structures permitted in the least restrictive land use classifications indicated in Section 513.4 for any specific site size are permitted outright, provided, however, that the Planning Commission shall ascertain that the effect and benefit usually derived from safeguards and conditions normally imposed upon uses permitted by review are upheld.

- 513.7 Minimum Lot Area. No minimum lot area is required for any specific structure or use. The minimum lot area to create a PDD-R district is two (2) acres. The minimum lot area required to create a PDD-MU or PDD-RC district is five (5) acres.
- 513.8 Minimum Lot Width, Minimum Yard Requirements. Maximum Lot Coverage, Maximum Height of Structures. No structure shall be erected within twenty-five (25) feet from any external lot line of any planned development. Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within PDD districts, provided, however, that the Planning Commission shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this ordinance.
- 513.9 Minimum Off-Street Parking and Loading. The Planning Commission shall not approve a PDD site plan until the Zoning Administrator has reviewed and approved a parking scheme for the development. Parking requirements by use type, as included in Article VII of this Ordinance, shall be applicable within PDD districts.
- 513.10 Signage. The signage requirements by use type shall be applicable within PDD districts.
- 513.11 Amenity Area. Each PDD with a residential component shall be provided with a public common area of at least one (1) acre in size, plus four hundred (400) square feet for each dwelling unit above twenty (20). Such common area shall be developed by the person, entity, corporation or developer developing the PDD and shall be deeded over to a neighborhood association within one (1) year after all units are sold. Such common area shall be completed before seventy-five percent (75%) of the occupancy permits for the total number of proposed units included in the first phase of the development are issued. Such common area may be maintained as open space or may include recreational features such as tennis courts, a swimming pool, a clubhouse or similar facilities.
- 513.12 Each planned development shall be serviced by sidewalks with a minimum width of thirty (30) inches in the public right-of-way to be located parallel to the front yard lines of each lot in the district. Said sidewalks shall be installed by the developer of the planned development district.

- 513.13 Utilities Requirements. Each lot within a planned development shall be serviced by underground utilities.
- 513.14 Spacing Requirements. All residential structures within a PDD shall be spaced a minimum of fifteen (15) feet from any other residential structure or other type building or structure.
- 513.15 Additional Requirements Applying to PDD-RC Districts. Building coverage shall not exceed 25 percent of the lot area, and no building shall be located closer than twenty five (25) feet to the edge of any public right-of-way. Uses within a PDD-RC district shall be required to conform with the buffer requirements stipulated in Section 725 of this ordinance. [**Editor's Note:** The City of Gaffney amended Section 513.15 of the Zoning Ordinance on April 4, 2005.]
- 513.16 Planned Development District Application and Preliminary Development Plan Approval.
- (a) An applicant shall communicate his intentions to establish a Planned Development District, and the proposed characteristics thereof, to the Zoning Administrator prior to initiating an application for amendment to the zoning map. The Zoning Administrator shall place the applicant on the agenda of the next Planning Commission meeting for a presentation and exchange of ideas.
 - (b) Applications for a Planned Development District shall be by amendment to the official zoning map in accordance with the provisions of Article X and shall include the following:
 - (1) Preliminary Development Plan - The applicant shall submit three (3) copies of the proposed planned development which shall include the following:
 - a. Vicinity map, title block, scale, north arrow, and property line survey.
 - b. Total acreage of site.
 - c. Location and number of acres of various areas by type of use (e.g., single-family detached, recreation, office, commercial, etc.)
 - d. Number of units and density of various residential types, such number to represent the maximum number of units.
 - e. Minimum setbacks.
 - f. Minimum and maximum residential dwelling unit floor areas.
 - g. Preliminary landscape plan.
 - h. Description of what is to be included in the common amenity area.
 - i. Approximate square footage of non-residential uses and approximate number of bedrooms in each residential unit.

- j. Primary traffic circulation pattern, including major points of ingress and egress.
 - k. Approximate number of parking spaces per use.
 - l. An indication that an acceptable drainage system can be designed for the proposed project.
 - m. Any such information or descriptions as may be deemed reasonably appropriate for review.
- (2) Statement of Intent - The applicant shall submit three (3) copies of a descriptive statement setting forth the characteristics of proposed Planned Development including the following:
- a. A description of the formation procedures and policies of any proposed homeowners association or other mechanism to ensure maintenance of common areas and facilities.
 - b. A statement setting forth the proposed development schedule.
 - c. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the schedule for providing such improvements.
 - d. A statement of impact on public facilities, including water, sewer collection and treatment, schools, garbage collection, fire protection, etc., along with letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed planned development.
 - e. A statement concerning the appearance, landscaping, screening, and maintenance of any proposed pond, lake, or retention pond contained in the development.
 - f. Any such information or descriptions as may be deemed reasonably appropriate for review.
- (3) A public hearing shall be held in accordance with procedures set forth in Article X.
- (4) The Planning Commission, at its next regular meeting following the public hearing, shall make a recommendation on the proposed Planned Development which shall be advisory to City Council.
- (5) The City Council, after fulfilling all applicable requirements of this section and all applicable requirements of Article X, may act to either approve, approve with modifications, or disapprove the application for a Planned Development.
- (6) Following approval of a Planned Development District, the official zoning map shall be amended to reflect such approval. Approval of a Planned Development District shall constitute authority for the applicant to submit a Final Development Plan to the Planning Commission for approval in accordance with the provisions of Section 513.16.

- 513.17 Failure to Submit a Final Development Plan. If no final development plan shall have been submitted within twelve (12) months of approval of a planned development, the Planning commission and City Council of the City of Gaffney may consider rezoning the property to the most appropriate zoning category in accordance with Article X of this ordinance.
- 513.18 Final Development Plan. No building permit or certificate of occupancy shall be issued in a Planned Development District until the Planning Commission, acting upon the recommendation of the Planning Commission staff, has approved and there is recorded a Final Development Plan meeting the requirements of this section. Three (3) copies of the final plan setting forth specific design characteristics of the planned development in accordance with the approved Preliminary Development Plan shall be submitted on paper plats no larger than 22 X 27 inches to the Planning Department and shall include, but not be limited to, the following information:
- (a) Vicinity map, title block, scale, north arrow and property line survey.
 - (b) Location arrangement, and proposed use of all buildings or structures within the planned development.
 - (c) Names of boundary streets.
 - (d) Number of residential dwelling units by type.
 - (e) Sketches of typical proposed structures, design standards, outdoor lighting fixtures, signs and landscaping.
 - (f) Location of any utility easements.
 - (g) Total floor area for all non-residential uses by type.
 - (h) Open space areas, specifying the proposed improvements of all such areas and to include a delineation of those areas proposed for specific types of developed recreational facilities.
 - (i) All off-street parking and loading areas and structures with the total number of spaces.
 - (j) Traffic and pedestrian circulation systems, including the location and width of all streets, driveways, service areas, entrances to parking areas, walkways, bicycle paths, etc.
 - (k) Yard dimensions.
 - (l) A letter from the City engineer stating that a detailed drainage plan has been submitted and approved.
 - (m) Other such information or descriptions as may be deemed reasonably appropriate for Planning Commission review.
- 513.19 Planning Commission Action. The Planning Commission, acting upon the recommendation of the planning staff, may approve or disapprove the Final Development Plan submitted by the applicant. In reviewing the Final Development Plan, the Planning Commission may require any such design modifications as will assure compliance with the approved Preliminary

Development Plan. In the event that the Planning Commission finds that the Final Development Plan is not in accordance with the approved Preliminary Development Plan, it shall not approve the final plan.

513.20 Recording of Final Development.

Plan and Statement of Intent. Following approval of the Final Development Plan by the Planning Commission, one (1) copy of the Final Development Plan and Statement of Intent shall be recorded with the Clerk of Court of Cherokee County, one (1) copy of both documents shall be filed with the City Building Official, the Zoning Administrator and the Chairman of the Gaffney Planning Commission.

513.21 Subdivision Plats. Approval of a Final Development Plan shall constitute authority for the applicant to prepare subdivision plats, in accordance with procedures set forth in the City of Gaffney Land Development Regulations.

513.22 Changes to Planned Development Districts. Changes to Planned Development District may be permitted in accordance with one of the following procedures as determined by the Zoning Administrator.

- (a) Minor Changes - Changes to a Planned Development District which are of a design nature and which do not alter the original concept or use characteristics of the Planned Development District may be approved by the Planning Commission, except that no minor change may be approved by the Planning Commission which is in conflict with specific conceptual Considerations previously contained in City Council's preliminary approval.
- (b) Major Changes - Changes to a Planned Development District which would alter the basic concept and general characteristics of the Planned Development District may be approved by City Council in accordance with the procedures established by Section 513.14. Examples of major changes include but are not limited to the following: boundary changes, changes in the maximum number of structures or residential units; increased density; substantial changes to residential housing type; use changes; access changes, etc. Approval of a major change by City Council must be followed by final approval of a detailed design plan showing such changes by the Planning Commission in accordance with Section 513.14.

513.23 Failure to Begin, Failure to Complete, or Failure to Make Adequate Progress. One year after final approval and each year thereafter, the Building Official shall present to the Planning Commission a status report on the progress of an approved Planned Development. If there is failure to complete, or failure to make adequate progress as set forth in the Statement of Intent, City Council may consider changing the district classification of the planned development to

the most appropriate zoning category in accordance with Article X.

513.24 Screening Requirements. Where non-residential commercial uses or structures in a planned development abut a residence or residentially zoned parcel, or where non-residential commercial uses or structures abut residential parcels in the same development, such non-residential areas shall be provided with appropriate screening according to either provision listed below:

- (a) A solid masonry brick wall with a minimum height of six (6) feet, or
- (b) Densely planted mature shrubbery having a minimum height, at time of planting, of six (6) feet, spaced a minimum of four (4) feet apart, or
- (c) A combination of A and B above.

513.25 Public Facilities. Final plans for all public facilities shall be submitted containing all information required in the preliminary plan and include invert elevations of sanitary and storm sewers with center line elevations. All amenity areas, public facilities and improvements made necessary as a result of the planned development shall be either constructed in advance of the approval of the final plan, or, at the election of the City, escrow deposits, irrevocable letters of credit in a form approved by the City, or performance bonds shall be delivered to guarantee construction of the required improvements.

513.26 Application Fee. As planned developments are, by nature, technical and complex and whereas the City of Gaffney has a small in-house planning staff, applications for PDDs will be accompanied by a fee as established by City Council, not to exceed \$1,000.00. The fee shall be used by the City of Gaffney to retain an engineer, planning consultant, or other such professional to assist in the review of the preliminary plan, amendments to the plan and/or final plan. Upon completion of the project any unused portion of the application fee shall be refunded to the applicant.

Section 514. Historic Preservation Overlay District.

514.1 Intent of District. The purpose of the Historic Preservation Overlay district is to promote the educational, cultural, and economic welfare of the public of the City by preserving and protecting historic structures, sites, monuments, streets, areas and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, state or nation. Furthermore, it is the purpose of this district to strengthen the economy of the City by stabilizing and improving property values in historic areas, and to encourage new construction and development that will be harmonious with existing historic structures and areas. It is further intended that the Historic Preservation Overlay district shall operate in conjunction with any other zoning district in which land may be classified, and that such lands may be used as permitted by such other districts except as may be

qualified by the regulations of the Historic Preservation Overlay district as set forth below.

514.2 Regulations.

- (a) Mobile Homes and Manufactured Housing are prohibited.
- (b) Any portion of the front wall or facade of any building or structure that is visible shall be constructed of natural elements, such as brick, stone, masonry units, stucco, treated wood siding, vinyl siding, glass, or any combination of the above.
- (c) No visible portion of a front wall or facade or portion of front wall or facade of any building or structure shall be constructed of corrugated metal or aluminum siding, unpainted rough-sawn wood, rough sawn shake wood shingles, or exposed untreated concrete or cinder blocks.
- (d) No non-conforming building or use as defined in Section 707 of this ordinance shall be re-used or re-occupied after discontinuance of use or occupancy for a period exceeding twelve (12) consecutive months.
- (e) See Appendix "D" for a complete description of the Historic Preservation Overlay District.

514.3 Conditional Uses. An existing non-residential structure within the Historic Preservation Overlay District may be used for the hereinafter described limited non-residential purposes:

- (a) Museum exhibiting written works, paintings, sculptures, artifacts or other objects d'art which have or portray something of historical significance to the City of Gaffney, Cherokee County and/or the State of South Carolina; and/or
- (b) Fine arts center exhibiting written works, paintings, sculptures, artifacts or other objects d'art, and/or theatrical and musical performances; provided that:
 - (1) the property on which the conditional use is located consists of at least three (3) acres;
 - (2) there shall be no increase in the size of the structure;
 - (3) no additional non-complying structures may be erected or moved on the property;
 - (4) no additional accessory structures may be erected or moved on the property;
 - (5) there shall be no increase in the amount of traffic in the area due to the conditional use of the structure; the burden shall be on the applicant for a conditional use to provide satisfactory documentation in this regard;
 - (6) any alterations to the structure must be (a) compatible with the structure's historical character, or (b) compatible with the character, materials, and color of the neighboring residential structures in the

historic district, and shall relate to the established pattern and rhythm, the same materials shall be used as those in neighboring existing buildings and shall not contrast conspicuously;

- (7) exterior fire escapes, elevators, and physically handicapped access ramps shall be located in such a way that will not detract from important architectural qualities of the structure or the historic district;
- (8) there shall be sufficient off-street paved parking as required for general business and commercial establishments as provided in §712 and 713 of the Zoning Ordinance.
- (9) where abutting a residential district and not separated by a street right-of-way, a 10 foot buffer strip in compliance with Section 725 of the Zoning Ordinance shall be required.

- (c) The Historic Preservation Overlay District Boundary as referred to in this Section of the Zoning Ordinance is defined as set forth in Appendix "D" attached hereto.

514.4 Application. An application for this conditional use must be submitted to the Zoning Administrator in accordance with the provisions of Section 804.1 of the Zoning Ordinance. No work shall be done until a certificate of conditional use has been issued by the Zoning Administrator.

514.5 Appeals. Any interested party who is aggrieved by a decision of the Zoning Administrator regarding a conditional use as set forth herein may appeal such decision to the Zoning Board of Appeals as provided in the Zoning Ordinance. **[Editor's Note:** Zoning Ordinance amended on April 17, 2000 to include Sections 514.3 – 514.5.]

Section 515. R-4 One-Family Residential District.

515.1 Intent of District. It is the intent of this Section that the R-4 Zoning District be developed and reserved for medium density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of four thousand (4,000) square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

515.2 Permitted Uses. All uses permitted in the R-12 One Family Zoning District, as shown in subsection 501.2 shall also be permitted within the R-4 Zoning District.

515.3 Conditional Uses. Mobile homes or manufactured housing shall be permitted as a conditional use, in accordance with the stipulations listed: No more than one (1) dwelling unit of any type per parcel; mobile homes shall be situated in full compliance with section 724 of this ordinance; mobile homes within the R-4

Zoning District shall have a minimum floor area of one thousand three hundred (1,300) square feet.

515.4 Other Requirements. Uses permitted in R-4 Zoning Districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided in Article IV, Section 402 of this Ordinance.

- (a) Minimum Lot Area: Four thousand (4,000) square feet.
- (b) Minimum Lot Width measured at Building Line: Forty (40) feet.
- (c) Minimum Front Yard Depth measured from the nearest right-of-way line: Fifteen (15) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- (d) Minimum Side Yard: There is no minimum side yard requirement; however, dwellings must be spaced a minimum of fifteen (15) feet apart unless a fire wall is constructed for any building side that is within fifteen (15) feet of a neighboring unit. Side yards for corner lots must comply with Article VII, Sections 702 and 704.
- (e) Minimum Rear Yard: Twelve (12) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- (f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (g) Additional Requirements: Uses permitted in R-4 Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading, and other requirements.
- (h) Signs: Signs permitted in R-6 Zoning Districts, including the conditions under which they may be located are set forth in Article VI.

Section 516. Communications Towers and Antennae.

516.1 Definitions.

- (a) "Communications tower" as used in this ordinance shall mean a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed or on a building.
- (b) "Telecommunications," as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- (c) "Antenna" means a device, dish or array used to transmit or receive telecommunications signals.
- (d) "Height" of a communication tower is the distance from the base of the tower to the top of the structure.

516.2 Communications tower and antenna permitted as conditional use. A communications tower and/or antenna may be permitted as an incidental use by the Zoning Administrator without further review upon determination that all of the applicable conditions in this ordinance are met.

(a) Districts in which conditional, incidental uses are permitted; height limitations; special exceptions and variances.

- (1) Permitted Districts. BI Basic Industrial and LI Limited Industrial Districts.
- (2) Permitted Height - Free Standing or Guyed Tower. Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.
- (3) Permitted Height above Structure. Tower and/or antenna mounted on building, water tank or structure other than a free-standing or guyed communications tower must not extend more than 30 feet above highest part of the structure.
- (4) Special Exceptions and Variances. Free-standing or guyed tower and/or antenna exceeding height limitations may be permitted by the Board of Zoning Appeals as a special exception pursuant to the requirements for special exceptions in Section 516.3. Variances from conditions imposed by this section may not be granted by the Board of Zoning Appeals. Variances from other general district regulations may be granted only under the standards set forth in Section 902.

(b) Application Requirements. The applicant for a conditional permit for the construction of a communications tower must file with the Zoning Administrator an application accompanied by a fee of \$10,000.00, or the placement of a commercial telecommunication antenna on an existing structure including towers for which a permit has been previously issued, must file with the Zoning Administrator an application accompanied by a fee of \$1,000.00 and the following documents, if applicable:

- (1) Specifications. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
- (2) Site Plan. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; (site plan not required if antenna is to be mounted on an approved existing structure).
- (3) Tower location map. A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any

- property within the city.
- (4) Antenna capacity, wind load. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
 - (5) Antenna owners. Identification of the owners of all antennae and equipment to be located on the site.
 - (6) Owner authorization. Written authorization from the site owner for the application.
 - (7) FCC License. Evidence that a valid FCC license for the proposed activity has been issued.
 - (8) Visual impact analysis. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
 - (9) Removal Agreement. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
 - (10) Conditions met. Evidence that applicable conditions in subsection (c) are met; and
 - (11) Additional information. Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

[Editor's Note: The City of Gaffney amended Section 516.2(b) of the Zoning Ordinance of April, 2005].

(c) Conditions. Applicant must show that all applicable conditions are met:

- (1) Location, visual impact. The proposed communications tower, antenna or accessory structure will be placed in a reasonable available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
- (2) Inability to locate on existing structure. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.
- (3) Public property or other private property not suitable. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
- (4) Design for multiple use. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to

- applicant's present and future requirements.
- (5) Safety codes met. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
 - (6) Paint; illumination. A communications tower must not be painted or illuminated unless otherwise provided by the state or federal regulations.
 - (7) Distance from existing tower. A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.
 - (8) Indemnity; Claim resolution. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipal attorney.
 - (9) Application of zoning regulations. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.
 - (10) Minimum setbacks. A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.
 - (11) MASC technical assistance required. Prior to issuing a permit, the Zoning Administrator shall make use of technical services of the Municipal Association of South Carolina (or other entity offering such technical services as may be selected by Council) to determine that the standards in subsections (c)(2), (c)(3), (c)(4), (c)(6), and (c)(7) of Section 516.2 are met.
- (d) Appeal To Board. Applicant may appeal to the Board of Zoning Appeals as follows:
- (1) Time limit for action by zoning administrator on complete application. Failure of the Zoning Administrator to act on an application which is determined to be complete under this section within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Board of Zoning Appeals.
 - (2) Variance. Applicant may appeal to the Board of Zoning Appeals for a variance from general zoning district regulations and setback

requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may be permitted only by special exception pursuant to Section 516.3.

- (3) Special Exception. Applicant may apply directly to the Board of Zoning Appeals for a permit for any tower as a special exception pursuant to Section 516.3.

516.3 Special Exceptions. A tower, pole, or antenna exceeding the height limitations or zoning district limitations imposed by Section 516.2 of this Ordinance may be permitted by special exception granted by the Board of Zoning Appeals after public hearing and written findings of fact and conclusions based on the criteria set forth below. To grant a special exception, the Board of Zoning appeals must find and conclude:

- (a) Application, conditions. All application requirements and conditions imposed by Section 516.2 for conditional uses are met except height, setback, or zoning district limitations.
- (b) Height Limitations.
- (1) If additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the district as a conditional use, and
 - (2) Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the municipality for valid technical reasons.
- (c) Zoning District Limitations; necessity for location in Commercial or Residential District.
- (1) Applicant for a special exception in a commercial district must show that an area within the municipality cannot be adequately served for valid technical reasons by a facility placed in an industrial zoning district. If a special exception is granted allowing the location of a facility in a commercial zoning district, the free-standing or guyed tower height shall not exceed 180 feet.
 - (2) Applicant for a special exception in a residential zoning district must show that an area within the municipality cannot be adequately served for valid technical reasons by a facility placed in an industrial or commercial zoning district. If a special exception is granted allowing the location of a facility in a residential zoning district, the free-standing or guyed tower height shall not exceed 100 feet.
- (d) Setback requirements; Additional conditions. Setback requirements and such additional conditions are established by the Board of Zoning Appeals as

it deems necessary to remove danger to health and safety, and to protect adjacent property.

- (e) MASC technical assistance required on special exception or appeal from action on conditional use. Prior to approving a permit by special exception or on appeal from action of the Zoning Administrator on an application for a conditional use, the Board of Zoning Appeals shall make use of technical services of the Municipal Association of South Carolina (or other entity offering such technical services as may be selected by Council) to determine that the standards in subsections (c)(2), (c)(3), (c)(4), (c)(6), and (c)(7) of Section 516.2 are met.
- (f) Denial on substantial evidence. In accordance with the Telecommunications Act of 1996, any denial of a permit for a special exception will be supported by substantial evidence.
- (g) Variance prohibited. The Board of Zoning Appeals may not grant a variance from the standards imposed for a communications tower or antennas in connection with granting a special exception, except as permitted by Section 516.2(d).

Section 517. CE College Educational District

517.1 Intent of District. It is the intent of this Section that the CE College Educational Zoning District be developed and reserved for public, semi-public, and private college educational uses that serve the Gaffney community. The regulations which apply to this district are designed to encourage the development and operation of educational facilities in a stable and healthy environment that serves the needs of the identified institutions and that is compatible with surrounding land uses and the Comprehensive Plan.

517.2 Permitted Uses. The following uses shall be permitted in any CE College Educational Zoning District.

- (a) Colleges and universities, whether public or private, accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097).
- (b) Junior Colleges, whether public or private accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097).
- (c) Classroom buildings associated with the college, university, or junior college.
- (d) Administration and faculty office buildings, associated with the college, university, or junior college.
- (e) Individual residential units occupied by employees, staff, or visitors of the college, university, junior college.
- (f) Dormitories and other student residences related to the college, university, junior college.
- (g) Chapels, churches, synagogues, temples, and other places of worship related

- to the college, university, junior college.
- (h) Auditoriums associated with the college, university, or junior college.
- (i) Libraries, museums and cultural centers associated with the college, university, or junior college.
- (j) Athletic and recreational facilities associated with the college, university, or junior college.

517.3 Other Requirements. Uses permitted within CE Zoning Districts shall be required to conform to the following standards:

- (a) Minimum Parcel Area required to establish a CE College Educational District: Five (5) acres.
- (b) Minimum Lot Width Measured at Building Line: One hundred (100) feet.
- (c) Minimum Front Setback, measured from the nearest right-of-way line: Fifty (50) feet. For additional requirements, see Article VII, Sections 702, 703, 704, 705 and 706.
- (d) Minimum Side Setback: Fifty (50) feet. In addition, where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For additional side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- (e) Minimum Rear Setback: Fifty (50) feet. Where the district abuts a residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 725 of this ordinance, of at least ten (10) feet in width shall be required. For additional side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- (f) Exterior and parking lights shall not reflect onto adjoining residential lots.
- (g) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- (h) Additional Requirements: Uses permitted in CE Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- (i) Signs: Signs permitted in CE Zoning Districts, including the conditions under which they may be located, are set forth in Article VI of the Official Zoning Ordinance.

[Editor's Note: The City of Gaffney amended Article V to include Section 517 of the Zoning Ordinance on July 12, 2004.]

ARTICLE VI SIGN REGULATIONS

The regulations herein shall apply and govern within all zoning districts. No sign shall be erected or maintained unless in compliance with the regulations of this Article, except that a nonconforming sign which shall comply with the provisions set forth in

Article VII, may be maintained, if lawfully in existence prior to the adoption of this Ordinance.

Section 600 General Provisions.

The following regulations shall apply to all signs in the City of Gaffney.

600.1 Permit Required. A permit shall be required to erect, move, add onto, and/or structurally alter any sign intended for view from the public right-of-way unless otherwise noted, and shall be issued by the Community Development Department in accordance with this Ordinance. (See also Section 606, Sign Permit Required; Section 607, Permit Procedures, and Section 608, Temporary Sign Permits). Such permits shall exclude cosmetic maintenance and/or repairs such as painting, cleaning, lighting replacement, or as determined by the Community Development Director.

600.2 Construction Materials. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated. Any sign that is not maintained and becomes dilapidated must be removed.

600.3 Setbacks. Unless otherwise specified in this Ordinance, all signs shall be set back at least ten (10) feet from the edge of pavement, and ten (10) feet from any property line not bordered by a road.

600.4 Height Limitations. Signs shall apply the height limit of the district in which such sign is located. All signs permitted to exceed ten (10) feet in height shall require a footing for such sign, which shall be drawn to scale and signed/sealed by a South Carolina certified engineer or architect and submitted to the Community Development Department for review. All signs must comply with the requirements for airport approach zones and flight patterns, and evidence must be provided from the appropriate authorities which confirms that no interference will occur.

600.5 Sign Illumination. Illumination devises shall be so placed and shielded so that rays therefrom or from the sign itself will not be directly cast into any residential dwelling, unit or in the eyes of an automobile driver. All illumination devises and wiring shall be installed in a permanent and safe manner, subject to all applicable building and electrical codes and Underwriters Laboratories (UL) regulations. [**Editor's Note:** The City of Gaffney amended Section 600.5 of the Zoning Ordinance on April 4, 2005.]

600.6 Distance Between Signs. The distance between signs shall be construed to mean the linear distance which separates the sign structure, measured center to center between sign footings.

600.7 Cease Operation. If the use for which a sign is related ceases operation, all evidence of such sign (including its structure) must be removed within sixty (60) days from the last date of business operation.

Section 601 Definitions Referenced.

The definitions set forth in Article XI of this Ordinance shall be applicable to the Sections of the Municipal Code referred to herein.

Section 602 Prohibited Signs

All signs not expressly permitted under this Ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the City of Gaffney. No sign shall be erected or maintained unless in compliance with the provisions of this Ordinance, except that a sign lawfully in existence under the former regulations of the zoning ordinance at the time of adoption of this Ordinance, shall be discontinued, torn down, altered or otherwise made to conform with this Ordinance within the periods of time set forth below:

Nonconformities	To Be Discontinued or In Compliance Within:
Signs (except portable signs)	2 Years
Portable Signs	90 Days
Temporary Signs	90 Days

Any sign not lawfully in existence under the former regulations of the zoning ordinance at the time of adoption of this Ordinance, shall be discontinued, torn down, altered or otherwise made to conform with this Ordinance immediately.

The following types of signs shall be specifically prohibited:

- 602.1 Signs Imitating Warning Signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicle; nor shall any sign use the words, slogans, dimensional shape or size, or colors of governmental traffic signs, such as "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse the driver of an automobile.
- 602.2 Signs Within Public Rights-of-Way. No signs whatsoever, whether temporary or permanent, except for signs authorized by a public agency for traffic signs and signals and public service informational signs, are permitted within any public right-of-way.
- 602.3 Certain Attached and Painted Signs. Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.

602.4 Signs with Noise. No sign shall emit or utilize in any manner any sound capable of being detected on a public road by a person of normal hearing.

602.5 Signs that Obstruct

- (a) No sign shall be erected or maintained which obstructs any fire escape, any means of egress or ventilation, or which prevents free passage from one part of a roof to any other part thereof, nor shall any sign be attached in any manner to any fire escape.
- (b) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

602.6 Abandoned Signs. Any abandoned off-premise sign; any abandoned, non-conforming on-premise sign.

602.7 Unsafe/Hazardous Signs. A sign found by the Community Development Department to be structurally unsafe or a hazard to public safety, including signs creating a fire hazard, is prohibited.

602.8 Signs with Temporary Lights. Strings of lights not permanently mounted to a rigid background are prohibited, except for those exempt in this Ordinance.

602.9 Signs on Parked Vehicles. No sign or any advertising device attached to or located on a parked vehicle or trailer on a public right-of-way, public property, or private property for the basic purpose of providing advertising of products or services or directing people to a business or activity located on the same or nearby property or any other premises shall be permitted.

602.10 Obscene and Profane Signs. No sign shall be permitted which depicts an obscene act or contains obscene or profane language.

602.11 Illegal Activity Signs. No signs shall advertise activities illegal under local, state or federal law.

Section 603 Signs That Do Not Need a Permit.

A permit is not required for the following types of signs in any zoning district.

603.1 Public Agencies. No permit is required for any sign authorized by any public agency, including public notices, traffic control signs, official signs of a noncommercial nature erected by public utilities, flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.

- 603.2 Official Notices. No permit is required for any official notices issued by any court, public agency or public office, including signs erected on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- 603.3 For Sale and Similar Signs. No permit is required for one (1) non-illuminated "for sale," "for rent," or "for lease" sign per parcel, subject to the following conditions:
- (a) For residential districts: sign must not exceed six (6) square feet in area; and
 - (b) For non-residential districts: sign must not exceed twenty (20) square feet in area.
- 603.4 Entrance, Exit and Instructional Signs. No permit is required for entrance, exit and instructional signs, so long as they do not exceed four (4) square feet in area, are no higher than three (3) feet above adjacent pavement or ground level, and contain no advertisement; provided, however, that the size of such signs shall not exceed two (2) square feet in residential zoning districts.
- 603.5 Identification Signs. No permit is required for identification signs not exceeding three (3) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- 603.6 Bulletin Boards. No permit is required for one (1) bulletin board (as defined in Article XI) per parcel, so long as such bulletin board does not exceed thirty-six (36) square feet of copy area or five (5) feet in height.
- 603.7 Construction Identification Signs. No permit is required for signs identifying projects under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., subject to the following conditions:
- (a) For residential districts: Signs must not exceed twenty-five (25) square feet in area;
 - (b) For non-residential districts: Signs must not exceed one hundred (100) square feet in area;
 - (c) No sign in any district shall be illuminated; and
 - (d) Such signs are removed within seven (7) days of the completion of the project.
- 603.8 Integrated Signs. No permit is required for signs attached or integrated into a

gasoline pump, automatic bank teller machine, or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product.

603.9 Interior Signs in Windows and/or Doors. No permit is required for any sign inside a building, not permanently attached to a window or door, that does not exceed twenty (20%) per cent of the total window area per each side of the building. This figure does not count toward the exterior wall sign calculations.

603.10 Art and/or Holidays Lights & Decorations.

- (a) No permit is required for works of art that do not include a commercial message.
- (b) No permit is required for integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- (c) No permit is required for national, local or religious holiday lights and/or decorations with no commercial message, but displayed no more than ten (10) days prior to and ten (10) days after such holidays, with the exception of the Christmas Holiday Season during which holiday lights and/or decorations may be displayed from Thanksgiving Day through one week after New Year's Day.

603.11 Certain Signs on Vehicles. No permit is required for signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

Section 604. Permitted Signs.

Permitted signs are grouped into three (3) classifications: residential, commercial and industrial, and mobile homes.

604.1 Signs Permitted in Residential Districts. The following types of signs are permitted in R-20, R-12, R-6, R-4, RG, PDD, RM-8, and RM-16 Zoning Districts:

- (a) Signs that do not need a permit as provided in Section 603 of this Article.
- (b) One business identification sign or bulletin board, subject to Section 605.1.
- (c) Subdivision signs and private directional signs, under the provisions of Sections 605.2 and 605.3.
- (d) Political campaign signs, in accordance with Section 605.4
- (e) Home Occupation signs, subject to Section 709(a)(7)
- (f) Church directional signs in accordance with Section 605.10. **[Editor's**

Note: The City of Gaffney amended Section 604.1(f) of the Zoning

Ordinance on August 6, 2001.]

604.2 Signs Permitted in Commercial and Industrial Districts. The following types of signs are permitted in NC, OC, GC, CC, RC, LI, and BI Districts:

- (a) All signs permitted in residential districts, except that instructional signs shall not exceed four (4) square feet.
- (b) Free-standing pylon, pole mounted, ground-based, or monument-type signs, subject to Section 605.5.
- (c) Off-Premise Signs, subject to Section 605.10.
- (d) Illuminated signs are permitted in any commercial or industrial district.

604.3 Signs Permitted in Mobile Home Districts. The following types of signs are permitted in MH Districts:

- (a) Home Occupation Signs, subject to Section 709(a)(7).
- (b) Park Identification Sign: Any sign or signs, illuminated or non-illuminated, provided that such sign(s) not exceed a combined total sign area of three hundred (300) square feet per mobile home park.

Section 605. Special Criteria for Certain Signs. These regulations apply to the following specified types of signs.

605.1 Business Identification Signs. Residential Districts: Multi-family residential dwellings, hotels, group dwellings, and for buildings other than dwellings, a single, non-illuminated business identification sign or bulletin board is permitted, not to exceed sixty-four (64) square feet in area.

605.2 Subdivision Signs. One (1) or two (2) signs shall be permitted at each entrance of a residential subdivision, subject to the following provisions:

- (a) such signs do not exceed a total of one hundred twenty (120) square feet of copy area at any subdivision entrance;
- (b) such signs shall have a maximum height of six (6) feet; and
- (c) if illuminated, only indirect lighting shall be permitted.

605.3 Private Directional Signs. Off-site signs indicating the location and direction of premises available for sale or in the process of development, shall be permitted subject to the following provisions:

- (a) such sign must be inscribed with the name of the owner, developer, builder, or agency;
- (b) such sign must not exceed six (6) square feet, nor exceed four (4) feet in length;
- (c) not more than one (1) sign shall be erected per each five hundred (500) linear

feet of street frontage; and

(d) Private directional signs are not allowed on Federal Aid Primary Routes (FAP) and Interstates, (i.e., Hwy 18, Hwy 150, Hwy 105, and I-85).

605.4 Political Campaign Signs. Such signs shall be permitted with the following provisions:

- (a) Zoning. Such signs shall be permitted in any zoning district;
- (b) Calculations. Such signs shall not count in the number of signs permitted calculations or sign area permitted calculations included in Section 605.5 of this ordinance;
- (c) Political Campaign Sign Permit. Usage of a political campaign sign by any candidate or supporters of any issue shall require issuance of a Political Campaign Sign Permit by the City of Gaffney, except that no permit shall be required for any sign placed in the yard of a private residence provided the sign is no larger than 18" X 24" and provided the sign is placed in the yard no sooner than the date of qualifying of candidates/issues and removed within seven (7) days after the election. **[Editor's Note: The City of Gaffney amended Section 605.4(3) of the Zoning Ordinance on May 15, 2000.]**
- (d) Permit Timeframes. Timeframes for permits shall begin on the date of qualifying of candidates/issues on a ballot through the seventh (7th) day after the last election for a primary, runoff, general or special election;
- (e) Bond Posted. To secure a political campaign sign permit, the applicant must post a bond or deposit in the amount of \$200.00 to guarantee all signs shall be removed. Upon written notification by the applicant that all signs have been removed, the City of Gaffney shall have ten (10) business days to verify sign removal. If all signs have been removed, the City shall return the bond or deposit. If the written notification is not received within 30 days of the last election for a primary, runoff, general election, special election, or the vote on an issue, or if the signs have not been removed, the bond or deposit shall be forfeited. **[Editor's Note: The City of Gaffney amended Section 605.4(e) of the Zoning Ordinance on October 20, 2003.]**
- (f) A return or forfeiture of such bond or deposit shall not preclude the City from pursuing any other remedy authorized by law. **[Editor's Note: The City of Gaffney amended Section 605.4(f) of the Zoning Ordinance on October 20, 2003.]**

(NOTE: Procurement of a political campaign sign permit by the candidate, the election committee of a candidate, or a committee on an issue, shall allow the use of an unlimited number of signs in compliance with this ordinance).

605.5 Free-Standing, Pylon, Pole-Mounted, Ground-Based, Monument-Type Signs.

- (a) Number of Signs Permitted: All signs under this section shall be limited to

one (1) sign for each three hundred (300) linear feet of road frontage per lot, EXCEPT that one (1) such sign shall be permitted if road frontage is less than three hundred (300) linear feet.

- (b) **Size:** All signs under this section shall be a maximum of one hundred fifty (150) square feet per allowable sign, except a maximum of two hundred (200) square feet of copy area per allowable sign shall be permitted in the following areas: Highway 11 from Getty's Drive to the northern border of the City limits and Highway 105 from Highway 29 to the northwestern border of the City limits. [**Editor's Note:** The City of Gaffney amended Section 605.5(b) of the Zoning Ordinance on October 16, 2000.]
- (c) **Building Requirements:** Free-standing signs shall comply with the provisions of all applicable building codes. [**Editor's Note:** The City of Gaffney amended Section 605.5(c) of the Zoning Ordinance on April 4, 2005.]

605.6 Wall Signs. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

- (a) Signs on the Front Surface of a Building. The total area of signs on the exterior front surface of a building shall not exceed twenty percent (20%) of the front surface of the building.
- (b) Signs on the Side and Rear Surface of a Building. The total area of signs on a side or rear surface of a building shall not exceed twenty percent (20%) of the exterior side or rear surface of the building.
- (c) Combined Sign Area. The combined sign area on the front, side, and rear surface of a building must not exceed the total sign area permitted within the zoning district in which the sign(s) are to be located.
- (d) Projecting Signs. Wall signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall. Signs projecting from the wall may extend outward from the wall of a building not more than six and one-half (6 1/2) feet and may not be located closer than eighteen (18) inches to a vertical plane at the street curb line. A projecting sign shall not extend above the roof line a distance greater than the height of the roof above the ground level. In no case shall signs project beyond property lines except that signs may project over public sidewalks in CC Districts, provided that the minimum height above grade or sidewalk level of such signs shall be no less than ten (10) feet.

605.7 Temporary and Portable (Trailer) Signs.

- (a) Temporary Sign. Temporary sign is defined as any sign designed, constructed, or intended for use on a short-term basis and which must be removed within the time periods specified in this Ordinance. Temporary signs include, but are not limited to, all signs of the following type: flags, banners, pennants, fringes, twirling, "A" frame, sandwich type, sidewalk or

curb type signs, balloons, streamers, air or gas filled figures. [**Editor's Note:** The City of Gaffney amended Section 605.7(a) of the Zoning Ordinance on June 5, 2000.]

- (b) Portable (Trailer Sign). A portable or trailer sign is a temporary portable sign, that may be hauled or towed from one location to another, is self-supporting and when placed, is not permanently attached to the ground or a building.
- (c) General Requirements for Temporary and Portable (Trailer) Signs:
 - (1) Permitted Zoning Districts. Temporary signs shall be limited to commercial and industrial zoning districts.
 - (2) Permit Required. Utilization of a temporary sign or portable (trailer) sign under this provision shall require the issuance of a Temporary Sign Permit by the City of Gaffney, with a fee established by the City of Gaffney City Council. Any sign permitted under this provision shall conform to all requirements of the Zoning Ordinance and all applicable ordinances of the City of Gaffney.
 - (3) Bond Posted. An applicant for a temporary permit to place the above mentioned signs shall, in addition to a fee in the amount of \$50.00, post a bond or deposit in the amount of \$100.00 to assure the prompt and complete removal of such signs by the permit holder by the expiration date of the temporary sign permit. Upon written notification by the applicant that the sign has been removed, the City of Gaffney shall have 10 working days to verify sign removal. If the sign has been removed, the City will return the bond or deposit. If the written notification is not received within 30 days of the expiration date of the permit, or if the sign has not been removed, the bond or deposit will be forfeited. A return or forfeiture of such bond or deposit shall not preclude the City from pursuing any other remedy authorized by law. [**Editor's Note:** The City of Gaffney amended Section 605.7(c)(3) of the Zoning Ordinance on October 20, 2003.]
 - (4) Illumination. If a temporary and/or portable sign is to be illuminated, it shall be in compliance with all NEC (National Electric Code) and UL (Underwriters Laboratories) Regulations. Utilization of an above ground electric extension cord is expressly prohibited.
- (d) Allowable temporary sign uses, not including portable (trailer) signs. A temporary sign may display advertising defined in this Code, subject to the following provisions:
 - (1) Permits. Unless specifically excluded from the requirement of a permit, no temporary sign shall be displayed unless a permit for the sign has been issued by the Community Development Department. The fee for such permits shall be established by the City Council.
 - (2) Announcement of temporary uses. Announcement of temporary uses

such as fairs, carnivals, circuses, revivals, sporting events, anniversaries of any public, charitable, educational or religious event or function. A business may display only one such temporary message sign. If temporary message signs are placed on vacant lots, there must be a minimum of fifty (50) linear feet between such temporary message signs. The period of time during which such sign is erected or displayed shall not exceed thirty (30) days; a temporary message sign must be removed within five (5) working days after the event. No permit or fee is required for signs pursuant to this subsection of the Code. If such sign is a banner or pennant type sign, it must comply with the requirements for such signs set forth below.

- (3) Grand opening signs. One (1) temporary sign announcing the grand opening of a business may be displayed for a period of time not exceeding thirty (30) days. No permit or fee is required for signs pursuant to this subsection of the Code. If the temporary sign remains displayed for a period of time exceeding thirty (30) days, a permit for the sign is required as provided below for temporary commercial signs. If such sign is a banner or pennant type sign, it must comply with the requirements for such signs set forth below.
- (4) New business. An applicant who has been issued a permit for a permanent sign for a business in a new location, but who does not yet have such permanent sign, may display a temporary sign in its stead not to exceed the allowable square footage of the permanent sign. Such sign shall be securely attached to the building in the general location of the permanent sign. Such sign may be displayed for a period of not more than sixty (60) days or until installation of a permanent sign, whichever occurs first. No additional fee or permit is required for such signs. If the temporary sign is a banner or pennant type sign, it must comply with the requirements for such signs set forth below.
- (5) Temporary commercial signs. A business may display only one (1) temporary commercial sign at any given time. Such signs must have a permit, and all permits issued for temporary commercial signs shall expire on December 31st of the year in which it is issued. If a temporary commercial sign is a banner or pennant type sign, it must comply with the requirements for such signs set forth below.
- (6) Banner type signs. Banner type signs must be attached or mounted in one of the following manners:
 - a. mounted flush against a wall of the main building; the maximum banner size shall not exceed 5% of the wall surface.
 - b. mounted in a painted metal frame that encloses the banner on at least 3 sides; the maximum banner size shall not exceed thirty-two square feet (32 sq. ft.); the frame may not stand empty, and it must be removed if the banner is not in use.

- (7) Pennants. A pennant shall be attached at a height of at least eight feet (8 ft.) from the ground and shall not touch the ground. A pennant is the only type of sign that may be attached to an on-site utility pole; the maximum pennant size shall not exceed thirty-two square feet (32 sq. ft.).
- (8) Number of signs. Only one temporary sign, regardless of type or category, may be displayed at any given time, except that a temporary new business sign as provided in Section 605.7(d)(4) may be displayed along with one other temporary sign.
- (9) Dimensions of signs. Unless otherwise specifically provided herein, the size of a temporary sign shall not exceed thirty-two square feet (32 sq. ft.).

[Editor's Note: The City of Gaffney amended Section 605.7(d) of the Zoning Ordinance on June 5, 2000.]

- (e) Portable (Trailer) Signs. A portable (trailer) sign may display advertising defined in this Code, with the following provisions:
 - (1) Number and space requirements. There shall be a maximum of one portable sign per parcel of property, with a minimum spacing of 300 feet between any two portable signs.
 - (2) Dimensions. Portable signs, exclusive of the transportation mechanism, shall not exceed the exterior measurements of four feet in height or eight feet in length.
 - (3) Time limitations for portable (trailer) signs. Such signs shall be required to obtain a permit which shall not be valid for longer than a period of sixty (60) days, after which time the portable signs shall be removed from the property. A permit shall not be renewed nor shall a permit be obtained for the same parcel of property within a period of 60 days after removal of a portable sign from the property. An applicant for a permit to place the above mentioned signs shall, in addition to a fee in the amount of \$50.00, post a bond or deposit in the amount of \$100.00 to assure the prompt and complete removal of such signs by the permit holder by the 61st day after the permit issuance. If the portable sign(s) has not been removed by the 61st day after the permit issuance, the bond or deposit shall be forfeited. A return or forfeiture of such bond or deposit shall not preclude the City from pursuing any other remedy authorized by law. **[Editor's Note:** The City of Gaffney amended Section 605.7(e)(3) of the Zoning Ordinance on October 20, 2003.]
 - (4) Use as permanent sign prohibited. Portable (trailer) signs are specifically prohibited from being used or constructed as a permanent-type sign; provided, however, that any such signs in existence at the time of adoption of this Ordinance shall be allowed to remain and are not

subject to discontinuance within the time period contained in Section 602.

605.8 Interstate Signs. Intent and purpose. The City of Gaffney recognizes the need for special sign regulations for large-scale regional uses located along Interstate 85. These uses depend on visibility from the Interstate. The economic benefit from these uses will transfer to other service uses within the area. Hotel/Motels and Regional Commercial or Office Projects within one thousand (1,000) linear feet from the edge of the right-of-way of Interstate 85 are permitted to have the following sign package:

- (a) Hotel/Motels: One (1) ground or pole sign not to exceed four hundred (400) square feet in size with a sign height between seventy-five (75') and one hundred (100') feet above ground level. One additional monument sign not mounted on poles with a maximum area of one hundred (100) square feet and height of twenty (20) feet above ground level.
- (b) Regional Commercial or Office Projects over 100,000 square feet in size. In addition to the free-standing pylon, pole mounted, ground-based, or monument-type signs in Section 604.2, one reader-board sign with changeable copy not exceeding one hundred (100) square feet in size.

605.9 Off-Premise Signs. On any lot fronting on a state or federal highway in a GC, LI or BI district, on which no business enterprise is located, one (1) off-premise, free-standing sign structure is permitted subject to the following:

- (a) Total sign area shall not exceed six hundred seventy-two (672) square feet for Interstates (I-85), and four hundred (400) square feet for highways.
- (b) Additional sign structures, (not greater than 672 square feet) may be permitted, provided they are not closer than five hundred (500) linear feet from any other sign structure of greater than one hundred fifty (150) square feet.
- (c) Any off-premise sign of greater than one hundred fifty (150) square feet shall be required to be spaced a minimum of three hundred (300) linear feet on highways and five hundred (500) linear feet on Interstates, and three hundred (300) linear feet from any residentially zoned parcel.
- (d) No off-premise sign may be constructed in any zoning district fronting on Interstate 85 Frontage Road within 1000 feet east or west of Peachoid Drive, which was designated as a scenic area by Ordinance Number 1999-8.

605.10 Church Directional Signs. A directional sign erected by a church, synagogue, or other religious institution located within the city limits shall contain only pertinent directional information. Such sign shall not exceed three (3) square feet in area nor shall it exceed three (3) feet in height. No individual church, synagogue, or similar religious institution may erect more than three (3) such signs within the city limits. Such signs shall be kept in good repair and

appearance by the owner. [**Editor's Note:** The City of Gaffney amended Section 605.10 of the Zoning Ordinance on August 6, 2001.]

Section 606. Sign Permit Required. No sign shall be erected, moved, added to, or structurally altered without a permit issued by the Community Development Department. No sign permit shall be issued by the Community Development Department except in conformity with the provisions of the Zoning Ordinance, unless a variance is granted as provided by the Zoning Ordinance.

The Community Development Department shall issue sign permits in accordance with the provisions of the Building Code and Zoning Ordinance in effect in the City of Gaffney. Unlawful signs shall be made to comply with all regulations or shall be removed in accordance with the appropriate provisions as set forth in the Building Code and Zoning Ordinance.

Section 607. Permit Procedures. The following procedures shall govern the application for, and issuance of, all sign permits under this Ordinance.

- (a) Applications. All applications for sign permits of any kind shall be submitted to the Community Development Department on an application form containing the following information:
 - (1) Name, address and telephone number of the sign erector, sign owner, property owner and business owner;
 - (2) Location of building, structure, or lot upon which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings or structures and to the nearest streets, street pavement, curb, or ditch and property lines;
 - (4) Prints or drawings of the plans and specifications and structural details of construction and attachment to a building or in the ground (a single submission may be permitted for any standardized signs);
 - (5) Any electrical permit required and issued for said sign.
- (b) Fees. Each application for a sign permit shall be accompanied by the applicable fees as established by the City Council.
- (c) Completeness. Within five (5) business days of receiving an application for a sign permit, the Zoning Administrator, shall review it for completeness. If the application is found to be complete, it shall then be processed. If the application is found to be incomplete, the Zoning Administrator shall, within such five (5) day period, notify the applicant the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Ordinance.
- (d) Action. Within ten (10) business days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:

- (1) issue the sign permit, if the sign(s) that is subject of the application conforms in every respect with the requirements of this ordinance; or
 - (2) reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this ordinance.
 - (3) In case of rejection, the Zoning Administrator shall specify in the rejection the section or sections of the Ordinance or applicable plan with which the sign(s) is inconsistent.
- (e) Building Permits for Signs. In addition to a sign permit application, a building permit may be required to ensure compliance with the Standard Building Codes Congress and National Fire Code, as amended, as applicable.
- (f) Possession of Sign Permits. The owner of a lot containing signs requiring a permit under this Ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual lots.
- (g) Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Zoning Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

Section 608. Violations. Violation of any provision of this Ordinance shall be punishable as provided in Section 808 of the Zoning Ordinance.

ARTICLE VII GENERAL PROVISIONS

Section 700. Water and Air Pollution. All uses must satisfactorily comply with the requirements of the State Department of Health and Environmental Control, as well as the Cherokee County Board of Health regarding the protection of waterways from pollution by dust, smoke, or other waste materials.

Section 701. Street Access. Except as herein provided, no building shall be erected, constructed, moved, or relocated on a lot that does not have direct access on a publicly dedicated, publicly accepted or publicly maintained street with a right-of-way of not less than thirty (30) feet, except that in Core Commercial CC District the minimum width of the right-of-way shall be twenty (20) feet.

Section 702. Corner Lots. On lots having frontage on more than one street at an intersection, the minimum street side yard requirement shall be equal to the minimum front yard requirement.

Section 703. Location of Buildings on Lots and Residential Limitations. Every building or use hereafter erected or established shall be located on a Lot of Record, and every one- and two-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principal buildings on a lot shall be located

within the area formed by the building setback lines of the district in which located, and in no case shall such buildings infringe beyond the building lines into the respective front, side, rear yard, or other setbacks required for the district in which the lot is located.

Section 704. Measurement of Front, Side, Rear Yards; Determination of Buildable Area. The required front, side, and rear yards for individual lots, as set forth for the particular Zoning District within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be know as the "Buildable Area."

Section 705. Double Frontage Lots. On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on all of the street frontages.

Section 706. Exception to Front Yard Requirements. The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots, located wholly or in part within one hundred (100) feet of each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on the lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than fifteen (15) feet.

Section 707. Nonconforming Buildings or Uses. Nonconforming buildings or uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or activities present at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use or portions thereof, shall not be (see also 402):

- (a) changed to another nonconforming use;
- (b) reused or reoccupied after discontinuance of use or occupancy for a period exceeding twelve (12) consecutive months;
- (c) re-established, reoccupied, or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance;
- (d) repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred.
- (e) enlarged or altered in a way which increases its nonconformity. Nothing in this section shall be meant to prevent the strengthening or restoring to a safe

condition of any building or part thereof declared to be unsafe by any official lawfully charged with protecting the public safety, upon order of such official.

Section 708. Nonconforming Building or Use Discontinuance. Notwithstanding other provisions of this Ordinance, certain nonconforming buildings or land uses, after this Ordinance is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform with this Ordinance within the periods of time set forth below; provided, however, that nothing contained herein shall be construed to permit any use or extend the time for compliance for any use or structure not lawfully in existence at the time of adoption of this Ordinance.

Nonconformities	To Be Discontinued or Brought Into Conformance Within
1. Wrecking, junk, scrap, or salvage yards and other open uses of land, signs (except portable signs), outdoor advertising structures, automotive storage yards or outdoor storage materials, parts, or equipment, except that outdoor storage yards for lumber, builders materials, parts, or equipment that are an accessory use may be extended past the two-year termination period if a solid stockade-type wall of at least six (6) feet in height is constructed and maintained to completely enclose the use.	2 years
2. Signs related to nonconforming uses which have gone out of business.	90 days
3. Nonconforming fences and hedges impeding vision at intersections.	90 days
4. Portable signs	90 days

(For the administration of the Nonconforming Use provision, see Section 805.)

Section 709. Home Occupation.

- (a) **Generally** A home occupation shall be permitted in any residential district, provided such occupation (see also 1100.25):
- (1) is conducted by no other person than members of the household residing on the premises;
 - (2) utilizes not more than twenty-five percent (25%) of the total floor area of the principal and accessory buildings;

- (3) produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
 - (4) is compatible with a quiet residential environment;
 - (5) involves no display of products visible from the street;
 - (6) creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
 - (7) is not visibly evident from outside the dwelling except for a sign of three (3) square feet or smaller in size mounted against a wall of the principal buildings shall be permitted;
 - (8) is limited to professional services, retail sales incidental to such services, or as an office use for off-site sales or services. Professional services are defined as any service offered for a fee. The primary activity of a home occupation shall not be on-site retail sales, manufacturing, or assembly. Bed and Breakfasts are also allowed in R-6, R-12, and R-20 districts.
 - (9) provides off-street parking commensurate with its occupation type as cited in Article VII, Section 712 of this ordinance.
 - (10) A Home Occupation permit is obtained from the City of Gaffney. Applications for Home Occupation permits shall be administered through the zoning process, as outlined in Article X. Home occupation permits may be issued by the City Council for periods not to exceed twenty-four (24) months. An unlimited number of renewals are permitted; however, the issuance of a permit or renewal in no way obligates the City to issue additional renewals.
- (b) Bed and breakfast inns. Bed and breakfast inns should be allowed as home occupations in Zoning Districts R-6, R-12, and R-20, subject to the following conditions:
- (1) The Inn must be operated by the members of the household residing on the premises as their primary residence.
 - (2) The Inn must be operated in a structure built prior to 1980.
 - (3) The Inn must have at least three (3), but no more than five (5) guest bedrooms available for rent.
 - (4) The Inn must not require any alteration or change in the essential residential character of the dwelling and must be compatible with a quiet residential environment.
 - (5) There shall be no exterior storage of materials and supplies.
 - (6) There shall be no exterior display or signs, except for one on-site sign no larger than three (3) square feet stating the name of the Inn.
 - (7) The Inn must provide one (1) off street parking space on the property for each guest bedroom. The said parking spaces shall be located behind the front line of the main structure and shall be in addition to off-street parking required for existing uses on the property.
 - (8) The Inn shall not create any disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, or unhealthy or unsightly

conditions.

- (9) The resident owner shall comply with all business license and revenue collection laws of the City of Gaffney, County of Cherokee and State of South Carolina.
- (10) The Inn shall serve no meals except that breakfast may be served to overnight guests.
- (11) The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
- (12) The Inn must comply with all other building and fire codes and regulations.
- (13) No guest shall occupy the Inn for more than seven (7) consecutive nights.
- (14) A Home Occupation permit shall be obtained from the City of Gaffney. Applications for Home Occupation permits shall be administered through the zoning process, as outlined in Article X. Home occupation permits may be issued by the City Council for periods not to exceed twenty-four (24) months. An unlimited number of renewals are permitted; however, the issuance of a permit or renewal in no way obligates the City to issue additional permits. After a complete signed application is received, the application shall be advertised in a newspaper of general circulation in the City of Gaffney at least 15 days prior to the date Planning and Zoning Committee shall conduct a hearing on the application.
- (15) The Home Occupation permit issued under this ordinance shall expire immediately if the Bed and Breakfast use is discontinued.

Section 710. Accessory Uses. Of the following uses is considered to be a customary accessory use, and as such may be situated on the same lot with the principal use or uses to which it serves as accessory.

710.1 Uses Customarily Accessory to Dwellings.

- (a) Private garage not to exceed the following storage capacities: one- or two-family dwelling -- 4 automobiles; multi-family dwelling -- 2 automobiles per dwelling unit; board house -- 1.5 automobiles per dwelling unit.
- (b) Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under Subsection 710.1 (a) above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one ton or less in capacity per family residing on the premises.
- (c) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- (d) Private kennels. Kennels used for commercial purposes are prohibited.
- (e) Private swimming pool and bath house or cabana.
- (f) Structures designed and used for purposes of shelter in the event of man-

- made or natural catastrophes.
- (g) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house.

710.2 Uses Customarily Accessory to Church Building.

- (a) Religious education buildings.
- (b) Parsonage, parsonage or parish house, together with any use accessory to a dwelling as listed under Subsection 710.1.
- (c) Off-street parking area for the use, without charge, of members and visitors of the church.

710.3 Uses Customarily Accessory to Retail Businesses, Office Use and Commercial Recreation Facilities.

- (a) Off-street parking or storage area for customer, client, or employee owned vehicles.
- (b) Completely enclosed building for the storage of supplies, stock, or merchandise.

Section 711. Setback and Other Yard Requirements for Accessory Uses. With the exception of parking areas, which shall be provided in compliance with the regulations in Section 712, all accessory structures shall be located behind the front line or an extension of the front line of the principal structure on a lot and shall be located in conformance with the specifications listed below:

ACCESSORY USE		
Zoning Category	Rear Setback	Side Setback
R-20	10 Ft.	10 Ft.
R-12	10 Ft.	5 Ft.
R-6	5 Ft.	5 Ft.
RM-8	10 Ft.	10 Ft.
RM-16	10 Ft.	10 Ft.
PDD	5 Ft.	5 Ft.
NC	15 Ft.	10 Ft.
OC	15 Ft.	10 Ft.
GC	15 Ft.	10 Ft.
RC	15 Ft.	15 Ft.
CC	N/A	N/A
CE	50 Ft.	50 Ft.
Schools within a Residential Zoning District	50 Ft.	50 Ft.

[Editor's Note: The City of Gaffney amended Section 711 of the Zoning Ordinance on July 12, 2004.]

Section 712. Off-Street Parking. Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts (except in the CC, Core Commercial area) at the time of the initial construction or alteration of any principal building. Such off-street parking areas shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements:

USE	PARKING SPACES REQUIRED
Automobile repair garages	1 space per 150 square of net floor area
Automobile sales lots	1 space per 50 square feet of net floor area for customer and employee parking
Automobile service stations	<ul style="list-style-type: none"> ▪ 3 spaces for each service bay, with a minimum of 5 spaces required ▪ Self service gasoline sales: Minimum of 2 permanent parking spaces
Banks and other financial institutions	1 space per 200 square feet of net floor area
Business and professional offices, government offices	1 space per 200 square feet of net floor area
Boarding and lodging houses	1 space per bedroom, plus 3 additional spaces
Churches and other places of worship	1 space per 3 seats in main auditorium
Clinics and similar operations	1.25 space per 200 square feet of net floor area
Day Care Centers	8 spaces
Dwellings, single and two-family	2 spaces per dwelling unit
Food stores, equal to or less than 3,500 square feet	1 space per 150 square feet of net floor area
Food stores, greater than 3,500 square feet	1 space per 100 square feet of net floor area
Funeral homes	1 space per each 4 seats in main chapel or parlor
General business, commercial or personal service establishments catering to retail trade, but not including foods stores, service and repair businesses	1 space per 200 square feet of net floor area
Homes for the aged, rest homes, personal care homes, and similar institutional uses	1 space per 3 beds, plus 3 spaces
Hospitals, sanitariums, and nursing homes	1 space per 2 beds

Lodges, fraternal, or social organizations	1 space per 200 square feet of net floor area
Motels, hotels, tourist homes and transient hotels	1.25 spaces per unit
Mobile homes, mobile home lot	2 spaces for each
Multi-family apartment and condominium communities	1.75 spaces for each dwelling unit
Fee-simple dwelling units, attached or detached	2 spaces per dwelling unit
Restaurants, delicatessens, etc.	1 space per 200 square feet of net floor area
Shopping centers	1 space per 200 square feet of net floor area for all stores other than supermarkets or grocery stores. 1 space per 150 square feet of net floor area for supermarkets or grocery stores. 1 space per 400 seats for theaters.
Schools, elementary, junior high	2 spaces per classroom
Schools, secondary	5 spaces per classroom
Schools, college, trade, or vocational	8 spaces per classroom
Community recreation centers, swimming pools, golf courses and similar uses	20 spaces
Theaters, auditoriums, funeral homes, gymnasiums, stadiums, and other places of assembly	1 space per 4 seats
Wholesale, warehousing operations	1 space per 200 square feet of net area devoted to sales or display. 1 space per 500 square feet of net manufacturing area. 1 space per 5,000 square feet of net floor area devoted to storage.
Manufacturing facilities	1 space per 200 square feet of net area devoted to sales or display. 1 space per 500 square feet of net manufacturing area. 1 space per 5,000 square feet of net floor area devoted to storage.

Section 713. Parking Space Area Requirements. Parking lot sign shall conform with the following standards.

(a)

Angle of Parking Space	Width of Stall	Depth of Stall	Area of Stall	Minimum Driveway Width	Length of Curb
Parallel	9'	23'	0"	20'0"	12' – 24'
30 Degree	9'	17'4"	156'0"	11' – 24'	18'0"
45 Degree	9'	19'10"	178'6"	13' – 24'	12'9"
60 Degree	9"	20'0"	189'0"	18' – 24'	10'5"
90 Degree	9'	20'0"	180'0"	24'	9'0"

- (b) All parking lots within RM-8, RM-16, PDD, NC, OC, GC, RC, and CC zones shall be paved.
- (c) Entrance drives to parking lots within Commercial and Industrial Zones as well as for non-residential uses within residential and PDD Zones shall be a minimum of twenty-four (24) feet in width.

Section 714. Location on Other Property. If the required number of automobile spaces cannot reasonably be provided on the same lot as the principal use, such spaces may be provided on other off-street property provided such property lies within four hundred (400) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

Section 715. Common Off-Street Parking Areas. Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, providing that the total number of individual spaces available in such a common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot shall relinquish his development rights over the property until such time as parking space is provided elsewhere.

Section 716. Use of Public Rights-of-Way for Maneuvering. When determining parking area requirements for uses other than residential, portions of the public right-of-way on streets may not be considered as permissible for maneuvering incidental to parking. Parking facilities shall be provided space outside the public rights-of-way for maneuvering incidental to parking. Within RM-16, NC, OC, GC, RC, BI, LI zones, and non-residential components of PDD districts, no parking space shall have direct access onto a public road.

Section 717. Extension of Parking Space Into a Residential District. Required parking space may be extended up to one hundred twenty (120) feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only access to, or fronts upon, the same street as the property in the commercial or industrial district for which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a ten (10) foot

wide landscaped buffer strip of at least six (6) feet in height.

Section 718. Off-Street Loading and Unloading Spaces. Except in the CC Core Commercial District, every lot on which a business, trade, or industry is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley, or if there is no alley, to a street. For the purpose of this section an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and shall be clear and free of obstructions at all times. Required space shall be considered as follows:

- (a) Retail Business: One (1) space for each twenty-five thousand (25,000) square feet of gross floor area.
- (b) Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals, and educational institutions: One (1) space for the first twenty-five thousand (25,000) square feet of total floor space area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet	Number of Spaces
25,001 – 99,999	2
100,000 – 159,999	3
160,000 – 239,000	4
240,000 – 349,999	5
For each additional 100,000 or fraction thereof	1 additional

- (c) Multi-family residences with ten (10) or more dwelling units: One (1) space.

Section 719. Visibility at Street Intersections. In all zoning districts established by this Ordinance, except the CC Core Commercial District, no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

Section 720. Visibility at Private Drives and Entrances Intersecting with Public Streets. At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge, or other planting or sign forming a material impediment to visibility between a height of one and one-half (1-1/2) feet and seven (7) feet shall be erected, planted, placed or maintained within ten (10) feet of such intersection.

Section 721. Exceptions to Height Limits. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, roof signs, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns. Height limitations provided within this ordinance may be waived subject to approval by the Fire Marshal.

Section 722. Parking, Storage or Use of Campers or Other Major Recreational Equipment. No major recreational equipment shall be stored on any lot in a residential district closer to the street than the front line of the principal building, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. The parking of such equipment shall be in observance of all setback, yard, and other requirements pertaining to accessory uses set forth within the residential district in which located. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot. No such equipment shall be parked in any location not approved for such use.

Section 723. Parking and Storage of Certain Vehicles. It shall be unlawful for any person, partnership, corporation, or other legal entity to permit, park or store a truck, automotive vehicle or trailer of any kind or type, on any residentially zoned property within the municipal corporate limits except within a completely enclosed building or covered by a manufactured automobile cover, designed specifically for automobile coverage: (1) that is not operable; (2) that does not display a lawful and current license tag.

This ordinance excludes bona fide classic automobiles currently undergoing restoration, and are covered with factory-made automobile covers, and trailers not required by law to display a license tag. Vehicles legally registered in another state must display the current license tag of that state.

Section 724. Manufactured Housing Standards.

724.1 The purpose of this provision is to allow the placement of manufactured homes on individual parcels within single family residential zoning districts, provided that the homes meet appearance and dimensional criteria which will protect and preserve the character values of those residential areas. The intent of this provision is to increase the housing opportunity for individuals and families with a low or moderate income.

724.2 A manufactured home is defined as any dwelling unit that (i) is not constructed in accordance with the standards set forth in the Standard Building Code, and (ii) is composed of one or more components, each of which was substantially

assembled in a manufacturing plant and designed to be transported to the home site on its own chassis.

724.3 All manufactured homes brought into the City of Gaffney or relocated within the City subsequent to the adoption of this ordinance (except for those located within a mobile home park) shall be required to be in compliance with each of the requirements listed in Section 724.4 of this ordinance.

724.4 A manufactured home must satisfy all of the following criteria:

- (a) The pitch of the roof of the manufactured home shall have a minimum vertical rise of two and two tenth feet for each twelve feet of horizontal run (2.2 feet and 12 feet) and the roof shall be finished with a type of shingle that is commonly used in standard residential construction;
- (b) All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter;
- (c) The exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding (the reflectivity of which shall not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (d) The manufactured home shall be up in accordance with the standards set by the South Carolina Manufactured Housing Board and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home;
- (e) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with standards set by the South Carolina Manufactured Housing Board, to be attached firmly to the primary structure and anchored securely to the ground;
- (f) The moving hitch, wheels, axles, and transportation lights shall be removed;
- (g) The manufactured home shall exceed forty feet in length and eight feet in width;
- (h) The manufactured home shall meet or exceed the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction.
- (i) A manufactured home shall have a minimum interior floor area of 1300 square feet if located within an R-20, R-12, R-6, R-4, RM-16, or RM-8 zone. A manufactured home shall have a minimum floor area of 600 square feet if located within an RG zone. It is the intent of these criteria to insure that a manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

724.5 A modular home is a dwelling constructed in accordance with the standards set

forth in the Standard Building Code and composed of components substantially assembled in a manufactured plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Standard State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Section 725. Buffer Provision. All buffers, as required by this ordinance, shall be installed and maintained in compliance with all regulations included herein.

725.1 Buffer Composition. The buffer shall be composed of a solid fence or wall and densely planted vegetation to extend along the external length of the fence or wall. The fence or wall may be composed of brick, concrete, mortar, wood, stone, masonry units, or a combination of the above. The wall shall have a solid appearance. Unless composed of rock or brick, it shall be painted, treated, or stained. Vegetation may include a mixture of evergreen trees and shrubbery that will form a continuous vegetative screen within two years of installation.

725.2 Buffer Height. The required fence or wall shall have a minimum height of six (6) feet. Trees or shrubbery shall be required to reach a height of six (6) feet within twelve (12) months of installation.

725.3 Buffer Width. The minimum width of a buffer strip as required herein shall be ten (10) feet, except that for specific uses, the minimum buffer width shall be listed.

- (a) A minimum twenty (20) foot wide buffer shall be required for any multi-family use located in an RM-8 or RM-16 zone adjoining a parcel zoned R-20, R-12, R-6, or RG.
- (b) A minimum twenty (20) foot wide buffer shall be required for any personal care center, boarding house, community residential care facility, or professional office within an RM-8 or RM-16 Zone adjoining a parcel zoned R-20, R-12, R-6, RG, RM-8, FM-16, or PDD.
- (c) A minimum twenty (20) foot wide buffer shall be required for any use in an LI Zone, or any use except those listed in Paragraph (d) in a BI Zone adjoining a parcel not Zoned LI or BI.
- (d) A minimum fifty (50) foot wide buffer shall be required for any industrial use which may produce air, noise, water, or ground emissions.

725.4 General Buffer Requirements.

- (a) The front line of any side yard buffer strip shall begin at the point where the private property line and public right-of-way intersect, and shall extend back to the rear lot line. The required fence, wall, and vegetative planting screen

shall begin at a point twenty-five (25) feet back from the intersection of the private property line and public right-of-way and shall extend to the rear property line.

- (b) The rear yard buffer strip shall extend the entire length of the rear lot line.
- (c) No development, parking areas, structures, or accessory buildings, except landscaping and the required fence or wall, shall be placed in a buffer area.
- (d) Buffer areas shall be properly maintained. The fence or wall shall not be allowed to deteriorate into a dilapidated condition. Vegetation shall be given proper care to retain a healthy and neat condition.
- (e) The buffer may be located within the required setback. [**Editor's Note:** The City of Gaffney amended Section 725.4(e) of the Zoning Ordinance on August 1, 2005.]
- (f) A required buffer must be completely installed prior to the issuance of a certificate of occupancy, except that if installation is impractical at the time of construction, the property owner may post bond, the amount of which is to be determined by the City Council, to ensure the planting screen will be installed within a specified period of time. Forfeiture of bond does not preclude the City from taking any other action necessary, as provided herein, to enforce the regulations included in this ordinance.

Section 726. Satellite Television Antenna Disks. Satellite television antenna disks shall be permitted in any zoning category, subject to the setback and other yard requirements for the Accessory Use provision of this ordinance, Section 711.

ARTICLE VIII ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

Section 800. Administration and Enforcement. It shall be the duty of the duly appointed Zoning Administrator, who shall hereby be given due authority to administer and enforce the provisions of this Ordinance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicate the nature of the violation, and order the action necessary to correct it. He shall order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with its provisions.

Section 801. Building and Sign Permits Required. No building, sign, or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. No building or sign permit shall be issued by the Building Official except in conformity with the provisions of this Ordinance, unless a variance is granted as provided by this Ordinance. The Building Official shall issue sign permits in accordance with the provisions of the Building Code and Zoning Ordinance in effect in the City of Gaffney. Unlawful signs shall be made to comply with all regulations or shall be removed in accordance with the appropriate provisions as set forth in the

Building Code and Zoning Ordinance.

Section 802. Application for Building Permit. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator and/or Building Official, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, the number of housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. One copy of the plan shall be returned to the applicant by the Building Official, with demarcation of approval or disapproval and shall be attested to the same by the signature of the building official and Zoning Administrator on such copy. One copy of the plans, similarly marked, shall be retained by the Building Official, and one copy shall be retained by the Zoning Administrator.

Section 803. Certificates of Occupancy for New, Altered, or Nonconforming Uses. It shall be unlawful to use, occupy or permit the use of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Building Official stating that the proposed use of the building or land conforms to the requirements of all applicable ordinances. The Building Official shall maintain a record of all Certificates of Occupancy and a copy shall be furnished upon request to any person. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under Section 808 herein.

Section 804. Conditional and Temporary Uses. Conditional uses, as set forth in Article V of this Ordinance, are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the District within which they are proposed for location.

804.1 General Requirements. Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein in this Ordinance, with particular reference to those requirements established for those districts in which they are proposed for location.

804.2 Temporary Uses. The Building Official is authorized to issue a temporary Certificate of Zoning Compliance for temporary uses, as follows:

- (a) Carnival or circus for a period not to exceed twenty-one (21) days, subject to the approval of the City Council.

- (b) Religious meeting in a tent or other temporary structure in GC, LI, and BI Districts, for a period not to exceed sixty (60) days.
- (c) Open lot sale of Christmas trees, fireworks, pumpkins, or similar products in the NC, GC, RC, CC, LI, and BI Districts for a period not to exceed forty-five (45) days.

804.3 All temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding uses.

Section 805. Nonconforming Uses. Any use or structure lawfully in existence and operation at the time of adoption of this ordinance that does not conform with all requirements of this Ordinance shall be permitted to remain in use; however, such use or structure shall be brought into compliance with all requirements of this Ordinance if such use or structure shall be altered, enlarged, damaged to an extent that repair would cost greater than fifty percent (50%) of the replacement cost of said use, or discontinued for a period of in excess of twelve (12) months. Nothing in this provision is intended to prohibit routine maintenance and upkeep of any building or grounds. For specific regulations concerning nonconforming uses, see Sections 707 and 708. (See also 402.)

Section 806. Expiration of Building Permit. If work authorized by a building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Official, and written notice thereof shall be given to the persons affected.

Section 807. Complaint Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator, who shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance. The Zoning Administrator may delegate enforcement action to an authorized employee or agent of the City of Gaffney.

Section 808. Penalties for Violation. Any person charged with violating any provisions of this Ordinance shall be charged with a misdemeanor and, upon conviction, shall be punishable by law. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues is considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including, but not limited to, the seeking of injunctive relief through a court of law.

Section 809. Appeal from the Decision of the Zoning Administrator or Building Official. It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator, and that such question shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator.

ARTICLE IX BOARD OF ZONING APPEALS

Section 900. Establishment of Board of Zoning Appeals. A Board of Zoning Appeals is hereby established. Said Board shall consist of five (5) members, who shall be citizens of the City of Gaffney and shall be appointed by the City Council for overlapping terms of three (3) years. Initial appointment shall be as follows: One (1) member for a term of three (3) years; two (2) members for a term of two (2) years; and two (2) members for a term of one (1) year. A majority of members shall constitute a quorum. Any vacancy on the Board shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board. No member of a board may hold an elected public office in the City of Gaffney. City Council may remove any member of the board for cause.

Section 901. Proceedings of the Board of Zoning Appeals. The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary, who may be an officer of the City or the Board. The Board shall adopt rules and bylaws in accordance with the provisions of this Ordinance. Public notice of all meetings of the Board of Appeals shall be provided by publication in a newspaper of general circulation in the municipality or county. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. The chairman or, in his or her absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board at the City and must be a public record.

Section 902. Powers of board of appeals; variances; stay; hearing; decisions and orders. The board of appeals has the following powers:

- (a) to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;
- (b) to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the

following findings:

- (1) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (2) these conditions do not generally apply to other property in the vicinity;
 - (3) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - (4) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- (c) The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
- (d) The Board of Appeals shall not grant a variance for a use of land, a building, or a structure that is prohibited in a given district. Notwithstanding any other provision of this section, the Gaffney City Council may overrule the decision of the Zoning Board of Appeals if it attempts to grant a use variance.
- (e) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare;
- (f) appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality. The appeal must be taken within fifteen (15) calendar days, by filing with the officer from whom the appeal is taken and with the board of appeals notice of appeal specifying the grounds of it. The officer from whom the appeal is taken immediately shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (g) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (h) The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least fifteen days' public notice of it in a newspaper of general circulation in the community, as well as due notice to

- the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.
- (i) In exercising the above power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board in the execution of the duties specified in this chapter may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
 - (j) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

Section 903. Contempt; penalty. In case of contempt by a party, witness, or other person before the board of appeals, the board may certify this fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

ARTICLE X AMENDMENTS

Section 1000. Authority. This Ordinance, including the Official Zoning Map of Gaffney, South Carolina, may be amended from time to time by the City Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review or recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Section 1001. Requirements for Change. When the public necessity, convenience, general welfare, or good zoning practice justifies such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning Ordinance.

Section 1002. Procedure for Amendments. Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

- 1002.1** Initiation of Amendments. A proposed amendment to the Zoning Ordinance may be initiated by the City Council, the Planning Commission, the Planning Department, or by application filed with the Gaffney Community Development Department by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated by a property owner more often than once every twelve (12) months for a zoning amendment affecting the

same parcel or parcels of property, or any part thereof, requesting the same change in district classification.

1002.2 Application Procedure. Application forms for amendment requests shall be obtained from the Community Development Department. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant believes to be pertinent, will be filed with the Secretary of the Planning Commission. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required. Applications for amendments must be submitted, in proper form, at least three (3) weeks prior to a Planning Commission meeting in order to be heard at that meeting. All records and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission.

1002.3 Public Hearing.

- (a) Before enacting or amending any zoning regulations or maps, the City Council or the Planning Commission shall hold a public hearing on it, which shall be advertised and conducted according to procedures prescribed herein. At least fifteen (15) days' notice of the time and place of the public hearing shall be given in a newspaper of general circulation in the City of Gaffney. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. No change in or departure from the text or maps as recommended by the Planning Commission may be made pursuant to the hearing unless the change or departure be first submitted to the Planning Commission for review and recommendation. The Planning Commission shall have not more than thirty (30) days within which to submit its report and recommendation on the change to City Council. If the Planning Commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure. When the required public hearing is held by the planning commission, no public hearing by the governing authority is required before amending the zoning ordinance text or maps.
- (b) If a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the Planning Commission, at least ten (10) days' notice and an opportunity to comment in the same manner shall be given to other interested members of the public, including owners of adjoining property.
- (c) No member of the Planning Commission shall participate in a matter in which he or she has any pecuniary or special interest.

1002.4 Public Hearing by the City Council. Before enacting an amendment to this

Ordinance, the City Council, at its option, may hold a public hearing thereon.

1002.5 Changes in the Zoning Map. Following final action by the City Council, any necessary changes shall be made to the Zoning Map. A written record of the type and date of such change shall be maintained by the City Administrator. Until such change is made, no action by the City Council on map amendments to the Zoning Ordinance shall be considered official, unless the change is not made within seven (7) days after formal action by the City Council. In the latter event, action by the City Council shall be considered official seven (7) days after the date of its action.

ARTICLE XI DEFINITION OF TERMS USED IN THIS ORDINANCE

Section 1100. Interpretation of Certain Terms or Words. Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

The word "approval" means written approval by those persons or authorized agents responsible for issuing such approvals.

The word "shall" is mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "structure" includes the word "building".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

The word "map" or "zoning map" shall mean the Official Zoning Map of the City of Gaffney, South Carolina.

The term "Planning Commission" refers to the Gaffney Planning Commission.

The term "Council," "City Council," or "Mayor and Council" refer to the legally constituted and elected governing body of the City of Gaffney.

The term "Building Official" refers to that person so designated by the Council and so employed as the Building Official for the City of Gaffney.

The term "Board of Adjustment" refers to the Zoning Board of Adjustment of the City of Gaffney.

- 1100.1 Accessory. A use of building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.
- 1100.2 Alley. A secondary way which affords access to the side or rear of abutting property.
- 1100.3 Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.
- 1100.4 Automobile Service Station. Buildings and premises on any parcel or lot where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered, and non other:
- (a) sale and service of spark plugs, batteries, and distributors;
 - (b) tire repair and servicing, but no recapping;
 - (c) replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings.
 - (d) washing and polishing;
 - (e) greasing and lubrication;
 - (f) exchanging fuel oil pumps and installing fuel lines;
 - (g) minor servicing and replacing of carburetors;
 - (h) emergency wiring repairs;
 - (i) adjusting and repair of brakes;
 - (j) minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor;
 - (k) sale of cold drinks and packaged foods, as accessory only to the principal operation.
- 1100.5 Board House. Any dwelling in which three (3) or more persons either individually or as families are housed for rent within or without meals.
- 1100.6 Buildable Area. That portion of any lot which may be used or built upon in

accordance with the regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements for the District have been subtracted from the total lot area. For instructions related to the determination of Buildable Area, see Section 707.

- 1100.7 **Building.** A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind.
- 1100.8 **Building, Principal.** A building in which is conducted the principal use of the lot on which said building is situated.
- 1100.9 **Building Line.** That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines, or other boundary lines.
- 1100.10 **Camper.** A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two or more wheels and either self-propelled or rigged for towing, provided such vehicle is less than thirty (30) feet in length and is not used for residential purposes within the City of Gaffney.
- 1100.11 **Caring Homes, Community Residential Care Facility.** A rest home, nursing home, convalescent home, home for the aged, group quarters, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill, mentally retarded, handicapped, or convalescent persons.
- 1100.12 **Clinic.** An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.
- 1100.13 **Density.** The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net acre, that is per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school ground, or other public uses.
- 1100.14 **District.** The term applied to various geographical areas of the City of Gaffney for the purpose of interpreting the provisions of this Ordinance. The districts are designated with the use of symbols on the Official Zoning Map.

Regulations controlling land use in the various districts within the City of Gaffney are set forth in Article V of this Ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.

- 1100.15 Dwelling. A building or portion of a building arranged or designed to provide living quarters for one or more families.
- 1100.16 Dwelling, One-Family. A detached dwelling other than a mobile home designed or occupied exclusively by one family on a single lot.
- 1100.17 Dwelling, Two-Family. A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other on a single lot.
- 1100.18 Dwelling, Multi-Family. A building or series of buildings on the same lot or portions thereof used or designed as dwellings for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multi-family" are synonymous and are used interchangeably throughout this Ordinance.
- 1100.19 Dwelling Unit. One (1) or more rooms connected together and constituting a separate, independent housekeeping establishment for use on a basis with provisions for cooking, eating, sleeping, and physically set apart from any other rooms and dwelling units in the same structure or another structure.
- 1100.20 Drive-In. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, car washes, and other similar retail service activities.
- 1100.21 Family. One (1) or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises.
- 1100.22 Garage, Private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.
- 1100.23 Garage, Public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting, or equipping of automobiles or other vehicles.

- 1100.24 Garage, Repair. Buildings and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs; provided that body work and painting shall be conducted within fully enclosed buildings and provided further than self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.
- 1100.25 Home Occupation. Any use conducted entirely within a dwelling and carried on by the occupants, thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and no person, not a resident of the premises, is employed specifically in connection with the activity, provided further that not over twenty-five percent (25%) of the total floor space of any structure is used for home occupation, and that adequate off-street parking is provided in accordance with Article VII, Section 712.
- 1100.26 Hotel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guest. The word "hotel" includes the terms "motel" and "tourist court."
- 1100.27 Junk or Salvage Yards. The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment, or parts thereof.
- 1100.28 Loading Space, Off-Street. Space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.
- 1100.29 Lot. An area designated as a separate and distinct parcel of land on a legally recorded deed as filed in the official records of Cherokee County, as maintained in the Cherokee County Court House. The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 1100.30 Lot, Corner. A lot located at the intersection of two (2) or more streets.
- 1100.31 Lot, Double Frontage. A lot which has frontage on more than one (1) street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three (3) or more streets.
- 1100.32 Lot, Interior. A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.
- 1100.33 Lot Depth. The mean horizontal distance between front and rear lot lines.

- 1100.34 Lot of Record. An area designed as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Cherokee County, as maintained in the Cherokee County Court House. The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 1100.35 Lot Width. The distance between side lot lines measured at the front building line.
- 1100.36 Manufactured Housing. A mobile home or modular home.
- 1100.37 Mobile Homes. "Mobile Homes" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and forty body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it. "Double-wide mobile home" means a mobile home comprised of two or more structures as defined above, which are designed to be connected together to form a single dwelling unit.
- 1100.38 Mobile Home Park. Premises where two (2) or more mobile homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants or mobile homes on such premises.
- 1100.39 Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.
- 1100.40 Motel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "motel" includes the terms "hotel" and "tourist court."
- 1100.41 Multi-Unit Center. A center consisting of three (3) or more commercial establishments, mixed uses, or professional office utilizing a common parking area and/or entranceway.
- 1100.42 Nonconforming Use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.

- 1100.43 Parking Lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot of an accessory use to the principal use on a given lot.
- 1100.44 Parking Space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.
- 1100.45 Plot. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Cherokee County, as maintained in the Cherokee County Court House. The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance are interchangeable.
- 1100.46 Residence. A building or portion of a building arranged or designated to provide living quarters for one (1) or more families. The terms "dwelling" and "residence" shall be interchangeable.
- 1100.47 Service Station. See definition of "Automobile Service Station," 1100.4.
- 1100.48 Sign. The term "sign" shall mean and include every sign, billboard, poster panel, free-standing ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window marquee, flags, banners, pennants, fringes, twirling, "A" frame, sandwich type, sidewalk or curb type signs, balloons, streamers, air or gas filled figures, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interest of any person when the same is placed in view of the general public.
- 1100.49 Sign, Area Of. The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or character, together with any frame or other material of color forming an internal part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed; provided, however, any open space contained within the outer limits of the display face of a sign or between any component, panel or strip, or figure of any kind composing the display face shall be included in the computation of the area of the sign, whether such open space be enclosed or not by a frame or border. For projecting or double-faced signs, only one (1) display face shall be measured in computing sign area where the sign faces are parallel or where the interior angle framed by the faces is sixty (60) degrees or less. If the two (2) faces of a double-faced sign area of unequal area, the area of the sign shall be taken as the area of the larger face.

- 1100.50 Sign, Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- 1100.51 Sign, Bulletin Board. Permanent signs that primarily display the name of a non-commercial place of public assembly and announce the upcoming events of that organization.
- 1100.52 Signs, Building Identification. A fascia sign used to identify or indicate the name of a building.
- 1100.53 Sign, Business. A sign identifying the business, service or profession located on the lot on which the sign is erected and/or displayed. Almost all of the message area of a business sign will be devoted to the name of the business (or businesses) on the property and/or the principal product sold or service rendered, but a small part of the sign may be devoted to hours of operation, prices, special sales or information which the owner of the business, service or profession believes is important for the public to know about his business on the site.
- 1100.54 Sign, Canopy. A sign either temporarily or permanently affixed to, superimposed upon, or painted on any roof-like structure, which is extended over a sidewalk or walkway or vehicle access area. A flush canopy sign is one that is mounted in such a manner that a continuous plane with the canopy is formed. A hanging canopy sign is one suspended from or beneath the canopy.
- 1100.55 Sign, Changeable Copy. A sign or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperatures shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.
- 1100.56 Sign, Entrance. A freestanding or wall sign identifying a subdivision, residential development, apartment, town house, or condominium complex, a shopping center, or an office or industrial park placed at an entrance to said development.
- 1100.57 Sign, Facia. A single face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure, included in this definition shall be individual letters and "box type" (i.e.. letters and symbols on an attached backing).

- 1100.58 Sign, Free-Standing. A sign which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building and is not mobile or temporary.
- 1100.59 Sign, Height. The distance from the ground to the top of the sign as measured between the furthestmost points.
- 1100.60 Sign, Identification. A sign identifying the business, shopping center, office, institution, building, development, or use of the property upon which it is placed.
- 1100.61 Sign, Illegal Or Illegally Erected. A sign which does not meet the requirements of this code and which has not received legal nonconforming status.
- 1100.62 Sign, Illuminated. A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including but not limited to, neon and exposed lamp signs.
- 1100.63 Sign, Indirectly Illuminated. A sign illuminated by an exterior light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs. If not effectively shielded, such sign shall be deemed to be an illegal sign.
- 1100.64 Sign, Marquee. A sign painted on, attached to , or hung from a marquee.
- 1100.65 Sign, Monument. A sign having no more than two faces erected on a free-standing structure (but not a pole) not attached to any building.
- 1100.66 Sign, Nonconforming. Either illegal (as defined above) or legal which is either: (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations; or (2) A sign which does not conform to the sign code requirements but for which a special permit has been issued.
- 1100.67 Sign, Off-Premise Advertising. A sign which directs attention to a building, profession, product, service, activity, or entertainment not conducted, sold, or offered on the property upon which the sign is located.
- 1100.68 Sign, On-Premise. A sign which directs attention to a building, profession, product, service, activity, or entertainment conducted, sold, or offered on the property upon which the sign is located.
- 1100.69 Sign, Open House/ Information. A temporary sign that may be placed on a residential lot on which a house or dwelling unit is for sale or rent during any

day in which the residence will be open for public inspection.

- 1100.70 Sign, Outdoor Advertising. A sign which directs attention to a building, profession, product, service, business, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located except incidentally. The message carried by an outdoor advertising sign is usually of no importance to the owner of the site and not subject to his control. An outdoor advertising sign is a principal use of the property upon which it is erected and is a structure subject to the yard, setback, height and other dimensional requirements of the zoning district it is within.
- 1100.71 Sign, Pennant. A temporary sign, consisting of any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- 1100.72 Sign, Permanent Subdivision. A freestanding or wall sign identifying an approved subdivision.
- 1100.73 Sign, Political. A temporary sign used in connection with a local, state or national election or referendum.
- 1100.74 Sign, Portable. Any changeable copy sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- 1100.75 Sign, Projecting. A sign which is attached to the building wall and which extends more than eighteen (18) inches from the face of such wall.
- 1100.76 Sign, Public Service. Any sign erected and maintained by public officials, or public agencies, or approved and authorized for use by State or local governmental authorities.
- 1100.77 Sign, Residential Development. A temporary sign bearing information about a subdivision or other residential development during the time its lots or homes are being offered for sale or lease.
- 1100.78 Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and projects above the roof of the building if the building has a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

- 1100.79 Sign, Temporary. A sign designed, constructed, or intended for use on a short-term basis and which must be removed within the time periods specified in this Ordinance. Temporary signs include, but are not limited to, all signs of the following type: flags, banners, pennants, fringes, twirling, "A" frame, sandwich type, sidewalk or curb type signs, balloons, streamers, air or gas filled figures. [**Editor's note:** The City of Gaffney amended this section of the Zoning Ordinance on June 5, 2000.]
- 1100.80 Sign, Temporary Real Estate Directional. A sign indicating the direction of real estate being offered for sale or rent which must be removed at a specified time or after a specified event or which can only be erected and maintained during limited, specified time intervals.
- 1100.81 Sign, Wall. A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall.
- 1100.82 Sign, Window. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
- 1100.83 Special Exception. A use so specifically so specifically designated in this Ordinance, that would not be appropriate for a location generally or without restriction throughout a given zoning district but which, if controlled as a number, area, location, or relation to the neighborhood, would in the opinion of the Board of Adjustment, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
- 1100.84 Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.
- 1100.85 Story, Half. A story in which one (1) or more exterior walls intersect a sloping roof no more than two (2) feet above the floor of such story.
- 1100.86 Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
- 1100.87 Street Centerline. That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between the parallel to the general direction of, the outside right-of-way lines of such streets.
- 1100.88 Structure. Anything constructed or erected, the use of which requires more or

less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building," as defined in 1100.7, is a "structure."

1100.89 Subdivision. "Subdivision" means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdividing or to the land or area subdivided; provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local planning commission be informed and have record of such subdivisions:

- (a) the combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- (b) the division of land into parcels of five (5) acres or more where no new street is involved.

1100.90 Tourist Home. A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for the use of guests in return for compensation, and meals, may not may not be offered. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be deemed to be a hotel as herein defined. The use of a dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.

1100.91 Tract. See "lot," 1100.29.

1100.92 Trailer. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

- (a) provide temporary or permanent quarters for the conduct of business, profession, trade, or occupation;
- (b) serve as a carrier of people, new or used goods, products, or equipment;
- (c) be used as a selling, advertising, or display device. For purposes of this Ordinance, the term "trailer" shall not include the term "camper," "mobile home," or "house trailer."

1100.93 Trailer, House. The term "house trailer," for purposes of this Ordinance, shall be interchangeable with the term "Mobile Home," as defined in 1100.36.

1100.94 Use, Accessory. See "Accessory," 1100.1.

1100.95 Use, Principal. The primary purpose for which a lot is occupied and/or used.

1100.96 Variance. A modification of the strict terms of this Ordinance granted by the Board of Adjustment where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

1100.97 Yard. A space on the same lot with a principal building, open, unoccupied and unobstructed by building or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

1100.98 Yard, Front. A yard situated between the front building line and the front lot line extending the full width of the lot.

1100.99 Yard, Rear. A yard situated between the rear building line and the rear lot line extending the full width of the lot.

1100.100 Yard, Side. A yard situated between a side building line and a side line and extending from the front yard to the rear yard.

1100.101 Zoning District. See "District," 1100.14.

ARTICLE XII LEGAL STATUS PROVISIONS

Section 1200. Conflict with Other Laws. Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 1201. Validity. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1202. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 1203. Effective Date. This Ordinance shall take effect and be in force from and after the date of its adoption by the Gaffney City Council.

Section 1204. Inclusion in Gaffney Municipal Code. This Ordinance shall be codified in the Gaffney Municipal Code.

Ratified and adopted in Council duly assembled this 3rd day of May, 1999.

CITY OF GAFFNEY, SOUTH CAROLINA

VERNON L. SANDERS, II, MAYOR

ATTEST:

James R. Taylor, City Administrator

Date of First Reading: April 19, 1999

Date of Second Reading: May 3, 1999

[Editor's Note: This zoning ordinance is a copy of the original. It has been updated with amendments through August 31, 2005. Please see the City of Gaffney Zoning Administrator for the original signed ordinance and amendments.]